

**Burwood**<sup>Inc.1874</sup>

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

## BURWOOD DEVELOPMENT CONTROL PLAN

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### Employment Zones LEP Amendment

The new Employment zones commence within Burwood LEP on 26 April 2023. From 26 April 2023, a reference to a former business zone in Burwood DCP is taken to be the new employment zone as referenced in the table below:

Business Zone (prior to 26 April 2023)	Employment Zone (from 26 April 2023)
B1 Neighbourhood Centre	E1 Local Centre
B2 Local Centre	
B4 Mixed Use	MU1 Mixed Use
B6 Enterprise Corridor	E3 Productivity Support

Burwood Development Control Plan  
Adopted by Council: 24 October 2023  
Effective: 27 October 2023  
Ref. No.: 23/44942  
Version No.: 10  
Ownership: City Strategy

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# **1 Introduction**

## **1.1 The Purposes and Aims of the BDCP**

In accordance with Section 4.15 of the Environmental Planning and Assessment (EP&A) Act 1979, Burwood Council as the consent authority is required to take into consideration the relevant provisions of any Development Control Plan (DCP) in determining an application for development that requires consent in the Burwood Local Government Area (LGA) as established in an applicable environmental planning instrument. In most cases this will be the Burwood Local Environmental Plan (BLEP) 2012 but also may be a State Environmental Planning Policy (SEPP).

This DCP has been prepared in accordance with Section 3.43 of the EP&A Act and clauses 16 – 21 of the EP&A Regulation 2000. Its purposes are:

To make more detailed provisions on matters that may be prescribed by a DCP that help achieve the purpose and aims of the BLEP 2012.

- To identify additional requirements for Development Applications to be advertised or notified.
- To provide for other things permitted by the EP&A Act to be prescribed by a development control plan.
- The aims of this DCP are:
  - To provide a clear framework of detailed provisions to be complied with or taken into account in development assessment for the assistance of the community and the development industry.
  - To help maintain and enhance the quality of the natural and built environments in the Burwood LGA through the development assessment process.
  - To improve the environmental and social sustainability of development.
  - To increase the participation of the community in development assessment decisions.

## **1.2 Citation**

This document shall be formally cited as the Burwood Development Control Plan, or in brief “the BDCP” or “the DCP”.

## **1.3 Land and Development Covered by this Plan**

The BDCP applies to all the land located in the Burwood LGA in accordance with the BLEP 2012 Land Application Map. The BDCP must be taken into account by the consent authority in determining Development Applications within the Burwood LGA.

This BDCP does not apply to exempt development or to applications for Complying Development Certificates under Division 4.5 of Part 4 of the Environmental Planning and Assessment Act 1979.

## **1.4 Date on Which the BDCP Takes Effect**

This Plan was adopted by Burwood Council on 12 February 2013 and came into effect on 1 March 2013.

## **1.5 Amendments to the BDCP**

Amendments may be made to the BDCP over the course of its operation. Details of the amendments are as follows:

<i>General Description of the Amendment</i>	<i>Adoption Date</i>	<i>Effective Date</i>
Amendment No. 1: Review of the BDCP	17 February 2014	4 March 2014
Amendment No. 2: Awning Controls	23 February 2015	10 March 2015
Amendment No. 3: Review of the BDCP	22 November 2016	6 December 2016
Amendment No. 4: Review of the BDCP	26 June 2018	1 August 2018
Amendment No. 5: Review of the BDCP	26 October 2021	15 November 2021
Amendment No. 6: Review of Section 5.11 of the BDCP	13 December 2022	22 December 2022
Amendment No.7: Repeal of Section 7 of the BDCP	13 December 2022	30 January 2023
Amendment No. 8: Amendments to Section 5.4 and ancillary controls in Section 3.9, 4.6 and 8.1.6	18 April 2023	26 April 2023
Amendment No. 9: Amendment to Section 6.1 of the BDCP	23 May 2023	9 June 2023
Amendment to No. 10: Amendment to Section 4.7	24 October 2023	27 October 2023

## 1.6 Relationship to Other Plans and Policies

On its commencement the BDCP repeals and replaces any preceding DCP or DCP Part adopted by Council. The preceding documents will cease to have any effect.

The BDCP sits under and should be read in conjunction with the BLEP 2012. In accordance with the EP&A Act, a provision of a DCP has no effect to the extent that:

- it is the same or substantially the same as the provision of an Environmental Planning Instrument applying to the same land, or;
- it is inconsistent with a provision of any such instrument or its application prevents compliance with a provision of any such instrument.

Therefore if there is any inconsistency between the BDCP and the BLEP 2012, the BLEP will prevail.

## 1.7 Structure of the BDCP

### Part 1 Introduction

This Part identifies the purpose and statutory functions of the BDCP.

### Part 2 Environmental Planning in the Burwood LGA

This Part outlines Burwood's broad planning context and Council's approach to environmental planning that underpins the BDCP. The general requirements for analysis, consideration and management of site requirements, and the locational context of development are established in this Part.

### Part 3 Development Provisions for Centres and Corridors

This Part establishes the planning objectives and provisions to apply to different types of development in Burwood's business centres and the Parramatta Road corridor. This Part also deals with transport, parking, heritage and other matters related to development in centres and corridors. Council may apply the relevant provisions where a type of development covered by this DCP part is permitted in a non-business zone.

### Part 4 Development Provisions for Residential Areas

This Part establishes the planning objectives and provisions to apply to different types of development in Burwood's residential zones. This Part also deals with transport, parking, heritage and other matters related to development in residential areas. Council may apply the relevant provisions where a type of development covered by this DCP part is permitted in a non-residential zone.

### **Part 5 Other Development Provisions**

This Part concerns other significant forms of development that may occur in several of the BLEP 2012's zones, and warrant specific statements of planning objectives and provisions.

### **Part 6 Environmental Management**

This Part establishes Council's requirements for specific aspects of planning, development or the environment, such as tree preservation and waste management.

### **Part 7 Development Process Matters**

This Part informs parties involved or interested in the Development Application and consent process of Council's requirements for determining Development Applications and the notification or exhibition of applications.

### **Appendices**

The appendices to this DCP comprise:

Appendices that deal with detailed matters associated with a particular section, e.g. waste management.

Codes and best practice guidelines that have been adopted by Council and are referred to within the BDCP.

## **2 Site and Environmental Planning**

### **2.1 Burwood's Planning Context**

The broad physical context of Burwood is provided by its location in the Cumberland Basin, on the southern side of the Parramatta River. The majority of Burwood, located to the north of Liverpool Road, drains towards the Parramatta River, while land to the south slopes toward the Cooks River.

Most of Burwood comprises gently undulating land in low ridges and valleys, with elevations up to 48m near Liverpool Road and Culdees Road, and down to 4m along the Cooks River in the south, and Parramatta Road opposite Concord Oval in the north. The topography of Burwood provides significant urban views and vistas.

Burwood's urban geography is dictated by its close proximity to Sydney City, and location astride the main early transport routes of Parramatta Road the Great Western Railway. These have meant a long history of settlement since the colonial era. Early semi-rural development and gentleman's residences were succeeded in the early 20th Century by high quality suburban housing on medium sized allotments, supported by retail and service centres at key nodes and along the major roads.

Widespread densification of Inner Sydney in the years post World War II saw growth in medium-rise housing in specific parts of Burwood, especially around the main rail transport nodes. The majority of Burwood however has remained low density residential, with extensive high quality areas and numerous residential heritage items. There is little native bushland remaining in Burwood.

The Burwood Town Centre (BTC) emerged early as a natural centre of the Inner West for public transport access, retail and commercial services, employment and in recent decades for medium and high density housing. In successive Metropolitan Strategies, the BTC has been flagged for growth as the Inner West's Major Centre (later termed a Strategic Centre).

According to the Burwood Local Strategic Planning Statement, Burwood's estimated residential population was 39,886 people in 2018. Burwood's population is highly multicultural, with 57% of the population born overseas in 2016. The Burwood Town Centre has many areas where over 80% of the population were born overseas. There were 18,970 local jobs in the Burwood LGA in 2017.

Burwood's residents, workers and visitors enjoy a high quality urban environment with many attractive streetscapes and substantial parks. Burwood's main environmental challenges are associated with its location in the Sydney, including traffic congestion, air quality, ecological sustainability, and the potential impacts of global warming.

The planning context for the Burwood LGA therefore has the following key features that are supported by this DCP:

- Housing availability and diversity.
- Excellent accessibility with good transport connections.
- Availability of major shopping facilities, business services and community facilities.
- High quality urban environment and public domains of residential and commercial areas.
- Heritage conservation and healthy communities.
- Economic development and local employment opportunities.
- Sustainable development and environmental protection.
- Protection of Burwood's high quality residential areas.

## 2.2 General Site Analysis

The physical, environmental and social features of Burwood and its development history significantly affect the nature and scale of development. It is essential to respond to the local and broader contexts by identifying the defining elements of a development site and the character of the locality.

As a first step in preparing for a development, a site analysis should be undertaken at an appropriate scale. This should identify the opportunities and constraints of the site, taking into account the existing planning framework. Together these should create a platform from which to develop a design. A site analysis demonstrates that the proposed development is the best possible solution and makes the best contribution to its surroundings. It also shows measures to mitigate identified adverse impacts.

All Development Applications should prepare and submit a site analysis, except Development Applications for the purposes of:

Change of use

Minor alterations and additions, and

Swimming pools.

The degree of detail required in a general site analysis will vary according to the nature, type and scale of the development and its planning context. The site analysis may include some or all of the elements in Table 1, and the level of detail required should be clarified with Council's development assessment officers. The analysis may comprise plans, sketches, photographs and supporting written information.

**Table 1. Site Analysis Details**

<b>Identifying Information:</b>
▪ Scale and north point.
▪ Date.
<b>Property Details:</b>
▪ Site dimensions, property boundaries and site area.
▪ Easements for drainage, services and rights of carriageway.
<b>Landform and Vegetation:</b>
▪ Spot levels and contours.
▪ Differences in ground levels on site as well as between the site and adjoining properties.
▪ Existing vegetation on/or affecting the site, location, height, canopy cover and species types.
▪ Important views - from the site and from adjoining land.
▪ Identification of any contaminated soils on the site and extent of any known landfill.
▪ Landscape features - rock outcrops, embankments, retaining walls.
▪ Soil type and depth.
▪ Flood liable land, existing means of stormwater drainage, existing stormwater detention systems, flow paths, drainage easements and watercourses and channels etc.
▪ Sun and shade characteristics.
▪ Prevailing winds.
<b>Access:</b>
▪ Vehicle and pedestrian access to and from the site.
▪ Public roads, laneways and pathways.
▪ On corner sites, the provision of a splay corner if required by Council.



▪ Driveways, parking areas, loading bays on the site and within the vicinity of the site.
▪ Existing cycle facilities within the area.
▪ Public transport services.
<b>Existing Development:</b>
▪ Existing buildings - on the site and on adjoining land. Show location, distance from the boundary, height and current use. Include elevations showing adjacent buildings.
▪ Existing neighbourhood character, including the pattern of development, built form, building materials and colours, fencing and garden styles.
▪ Direction and distances to local shops, schools, public transport, parks, community facilities and local activity centres.
▪ Overshadowing of and by adjoining buildings.
▪ Fences and walls location, height and materials.
▪ Swimming pools and slipways.
▪ Privacy - adjoining private open spaces, doors and windows.
▪ Street frontage features - poles, trees, kerbs, footpaths, crossings and street furniture.
▪ Noise, odour and light spillage sources (e.g. main roads, railway lines, sports fields, air conditioning units, pool pumps and industrial areas).
▪ Heritage and/or archaeological features on site and in the vicinity of the site include landscapes, buildings, conservation areas and special character areas.
▪ Existing advertising signs.

Other parts of this DCP may have more detailed requirements for site analysis for specific locations or forms of development.

## 2.3 Views and Vistas

Burwood's regional location and gentle topography result in mainly urban and local views and vistas. These are an important part of sense of place, amenity and character in the Burwood LGA. They warrant special attention for inclusion in the site analysis and in the formulation of development proposals.

Views and vistas include cityscapes, streetscapes, open space and parks, significant and landmark buildings, and horizons and ridgelines. From higher commercial and residential buildings, views and vistas can be more encompassing and over greater distances.

### Objectives

- O1** To preserve and enhance significant views and vistas within the Burwood LGA.
- O2** To encourage view sharing through complementary siting of buildings, responsive design and appropriate landscaping.
- O3** To ensure highly visible developments are located and designed in scale with Burwood's cityscapes in the context of applicable planning controls.

### Provisions

- P1** Development applications must identify existing views and vistas significant to the proposal, assess the impacts of the development and demonstrate how significant views and vistas are to be protected and enhanced.
- P2** Development applications must demonstrate how building design, location and landscaping will encourage view sharing between properties.
- P3** Assessment of views and vistas must take account of other planning policies and development standards in this DCP and the BLEP 2012, e.g. building height, setbacks.
- P4** Developments must have particular regard to high quality and priority views and vistas identified in other parts of this DCP, e.g. in relation to heritage items and heritage conservation areas.

**Advisory Note:**

For certain developments, photo montages from selected locations may be required to demonstrate how the proposal affects views and vistas.

## 2.4 Streetscapes

Streetscape represents the inter-relationship between buildings, landscape and open spaces in the street scene. The quality of the streetscape impacts on local amenity and identity. Streetscape qualities include building form, scale, materials and colours that contribute to the overall character of the local area.

Streetscapes therefore warrant special attention for inclusion in the site analysis and in the formulation of development proposals.

### Objectives

- O1** To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.
- O2** To increase the legibility of streetscapes and urban spaces so that the inter-relationship between development, landscape and open space is visually coherent and harmonious.
- O3** To maximise opportunities for buildings to define the public domain.
- O4** To encourage attractive street frontages and improve pedestrian amenity.

### Provisions

- P1** Development applications must identify streetscape characteristics, assess the impacts of the development and demonstrate how significant streetscape qualities are to be protected and enhanced.
- P2** Development applications must demonstrate how building design, location and landscaping will encourage the protection and enhancements of streetscapes.
- P3** Developments must have particular regard to high quality streetscapes identified in other parts of this DCP, e.g. in relation to heritage items and conservation areas.

**Advisory Note:**

For certain developments, photo montages from selected locations may be required to demonstrate how the proposal affects streetscapes.

## **3 Development in Centres and Corridors**

### **3.1 Application of this Section**

This section applies to Burwood's centres and corridors, namely:

<b>Centre or Corridor</b>	<b>Zoning Under BLEP 2012</b>
Burwood Town Centre and Burwood Road North	B4 Mixed Use
Strathfield Town Centre	B4 Mixed Use
Enfield Local Centre	B2 Local Centre
Croydon Park Local Centre	B2 Local Centre
Croydon Neighbourhood Centre and other small areas	B1 Neighbourhood Centre
Parramatta Road Corridor	B6 Enterprise Corridor

Where a type of development covered by this DCP section is permitted in another zone, Council may apply the relevant provisions from this DCP section at its discretion.

The aims of this section are:

To reinforce and support the different identities, functions and character of the centres and corridor.

To ensure development achieves the stated desired future character of each of the centres and corridor.

To minimise the potential negative impacts of development on neighbouring low density residential properties.

To encourage a safe and human scale environment at street level within centres and corridor.

## 3.2 General Building Design Controls in Centres and Corridors

### 3.2.1 Building Design

#### Objectives

**O1** To ensure that new buildings:

- Represent architectural and urban design excellence.
- Provide cohesive and visually interesting building appearance.
- Respond to surrounding notable buildings and enhances the streetscape.
- Integrate roof design with the building character and enhances the skyline.
- Encourage rooftop gardens and planting on structures that enhance the quality and amenity of open space.

#### General Guidelines

#### Provisions

**P1** Architectural design excellence is to be achieved in the following ways:

- The form and external appearance of any development should significantly improve the quality and amenity of the public domain.
- Cohesive design and visual interest should be provided by articulation, modulation and fenestration as well as textures, materials and colours.
- The development should respond positively to its context, environment and function.

**P2** New facades should complement the predominant scale, proportion and rhythm of the existing streetscape.



*Example of streetscape showing the new high-density development integrated with the existing fine grain façade of the town centre/corridor (Source: City of Auckland).*

**P3** Façade elements including roof form, materials, colours and awnings are to make a cohesive and visually interesting building appearance.

- P4** New facades are to respond to the proportion, texture and material of surrounding notable buildings including heritage or locally valued buildings within the immediate surrounding context. Mimicking of heritage features is to be avoided.



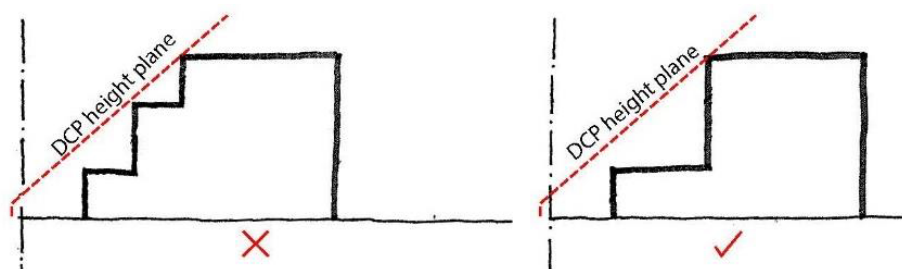
*The building modulation and fenestration responds to the adjacent valued context. (Source: Google)*

- P5** Extensions and additions involving heritage elements must be designed to complement the style, form and proportions as well as materials and colours of heritage elements.
- P6** Any blank walls are to be designed to have details and visual interest and be cohesive with the rest of the elevation through the use of materials, textures and colours.
- P7** In infill developments, façade modulation/ articulation should reflect the key datum lines of the adjacent contributory developments.
- P8** New developments on corner sites should orient to both street frontages. Also they should accentuate the corner's unique location with architectural features that actively engage the public realm and create a visual presence at the corner, such as:
- Chamfered or rounded corners
  - Different material and colours
  - Recessed balconies or windows

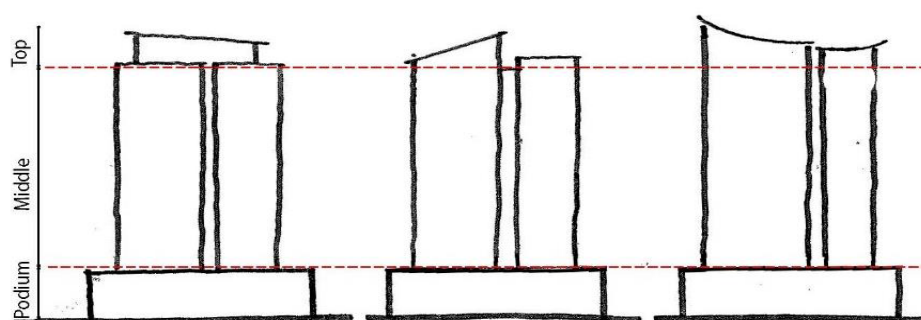


*The corner element is to be treated differently to enhance the visual character of the public domain. (Source: Google)*

- P9** Building service elements, such as drainage pipes, grilles, screens, ventilation louvres and car park entry doors should be integrated into the overall facade design.
- P10** A simplified response to the required DCP height plane is encouraged.



- P11** The primary façade proportion should distinguish the podium, middle and top elements.

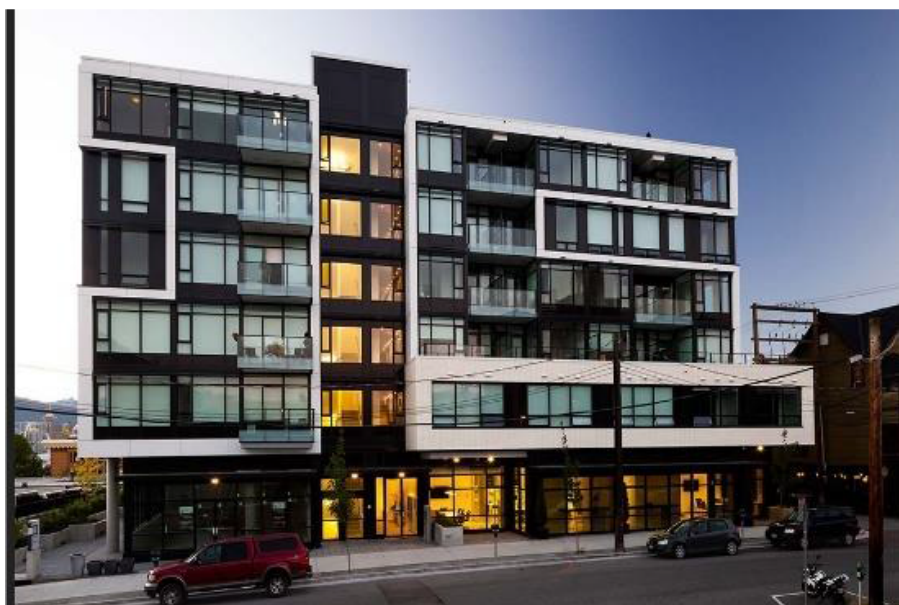


#### *Base/Podium Levels*

- P12** Ground level façades are to have modulation every 5-6m to reflect the existing 'fine grain' storefront scale.
- P13** Podium façade articulation above the ground level should contribute to the modulation and rhythm of the ground level and reflect a human scale development.
- P14** Infill developments adjacent to small-scale heritage items and/or local valued building should respond to the adjacent façade expressions/rhythm and datums in their podium façade design.

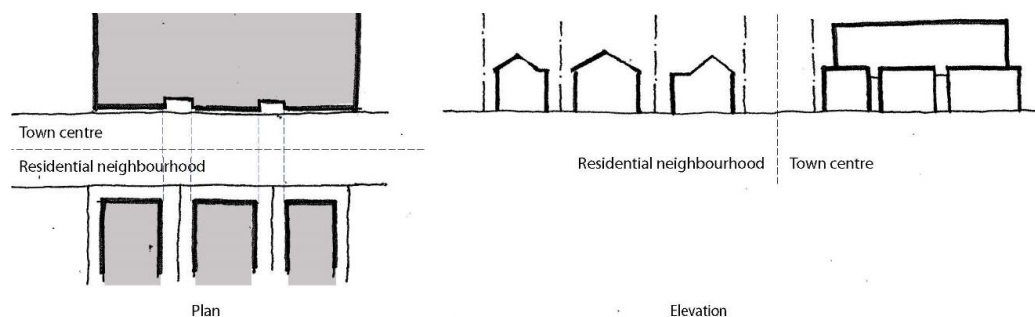


- P15** A minimum of 90% of the front façades on the ground level are to be activated with storefronts and openings.
- P16** A minimum of 30% - 50% of side façades within podia are to be activated with windows and openings. This applies where a side façade is next to a heritage item, a pedestrian link or a laneway.
- P17** A minimum of 60% - 70% of the rear façade within podia is to include windows and openings. This applies where the rear façade is not built to the rear boundary, or where it is built to the rear boundary but has frontage to a laneway or a pedestrian link.
- P18** Main entrances are to be clearly visible from the public domain. Different materials or visually interesting modulations/rhythms are encouraged.



*A different modulation to highlight the main pedestrian entrance is encouraged. (Source: Auckland Design Manual)*

- P19** Service/parking entrances are to have a minimum width, be integrated with the overall façade of the podium element and show quality materials around the mouth of the entrance up to 3m inwards or after the security gate.
- P20** Podium façades in corner sites should activate both streets.
- P21** In transitional areas (town centres to residential precincts), podium elements should reflect the smaller modulation of the residential buildings in their façade design.





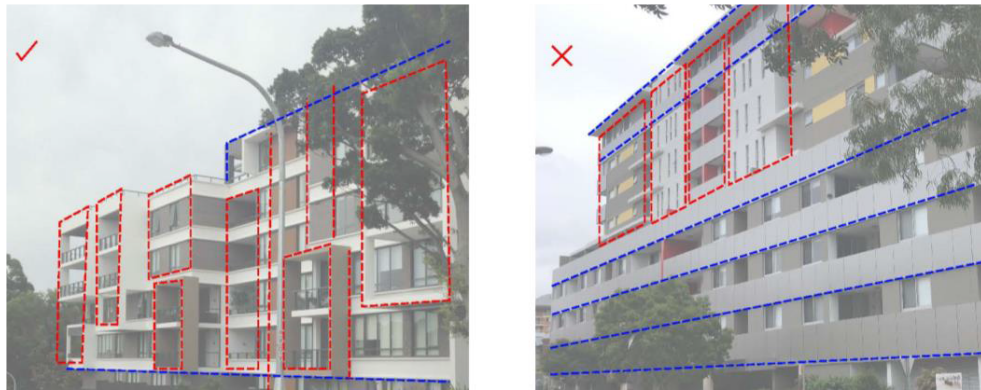
*Middle*

- P22** Where the building length above the podium levels is less than 45 m but the building is attached to the adjacent building, a break every 40-45m is to be provided to avoid continuous walls of development.
- P23** Front and rear façades to include 60% - 70% windows and balconies to habitable rooms.
- P24** Side façades - if not attached to the adjacent development - are to include windows and openings within at least 30% - 50% of the façade visible from the public domain and the surrounding habitable areas. Where separation distances are less than the guidelines in the ADG, redirection of views from the windows and openings is encouraged to avoid adverse privacy impacts.
- P25** Blank facades attached to the side boundaries, in the interim, should present visually interesting elements through materials and colours. Plain/blank walls are prohibited.



*Modulation and articulation of blank walls to enhance the visual character of the building (Source: ADG, 4M).*

- P26** New development should avoid having blank walls on the northern façade. A minimum of 70% of the northern façade is to include habitable windows and balconies.
- P27** Horizontal shading on the northern façades and vertical shading for eastern/western facades are encouraged to control heat gain to the internal areas.
- P28** Façade proportions should reflect the internal use of each building.
- P29** Variety of architectural modulation and rhythm is encouraged to enhance the visual interest of the façade. Vertical articulation is preferred to break the façade into smaller elements.



**P30** Openings are to be recessed at a minimum of 100mm to add depth to the façade.



*Recessed openings add depth to the overall façade. (Source: GMU Library)*

**P31** Recessed balconies are preferable to provide privacy, protection and depth to the façade.

**P32** Sliding louvered panels as balcony screening are encouraged to add visual privacy and control glare and heat gain.

### *Building Top and Roof Gardens*

- P33** Roof designs are to be integrated into the overall architectural character of the building and enhance the skyline of the centre or corridor.
- P34** Buildings are to have recognisable roof termination or capping distinguishable from the public domain.
- P35** The use of different façade expression including articulation, material, parapet, colour and texture to differentiate the top level or roof is encouraged.
- P36** Roofs must respond to the orientation of the site. For example, the use of eaves and skillion roofs to facilitate solar access.
- P37** The visual impact of service elements must be minimised by integrating them into the roof design and concealing them from view. These elements include lift over-runs, service plant rooms, vent stacks, telecommunication infrastructures, gutters and downpipes.
- P38** Development must be designed with regard to how it is observed from the street and from adjacent development. Opportunities for sculptural expression to create a varied skyline must be considered.
- P39** Residents shall have access to rooftop and podium gardens wherever possible. At least 50% of the roof area shall be vegetated with grasses, shrubs and trees.
- P40** Planter boxes must be located at the perimeter of rooftop gardens to minimise overlooking of neighbouring dwellings.
- P41** Planting containers must allow sufficient depth and volume, growing medium and irrigation to support the mature size of plants.
- P42** All planting areas on structures must be designed by a suitably qualified engineer.



Rooftops should be accessible to residents and be extensively landscaped.

Source: [www.greenroofsaustralia.com.au](http://www.greenroofsaustralia.com.au)



The term 'green roof' is used to describe a rooftop that achieves environmentally sustainable outcomes.

Source: [www.dedece.com](http://www.dedece.com)

### 3.2.2 Materials and Finishes

#### Objectives

- O1** To ensure that the use of superior quality external materials and finishes:
- Contributes to architectural and urban design excellence.
  - Provides cohesive and visually interesting building appearance.
  - Responds to surrounding notable buildings and enhances the streetscape.
  - Provides longevity in external materials and finishes that are of superior quality.

#### Provisions

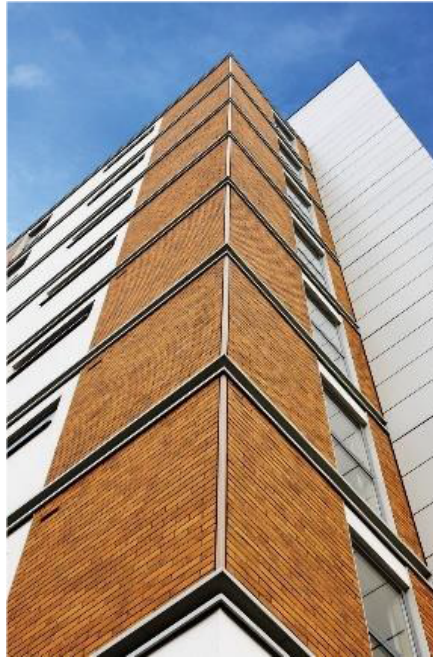
- P1** The existing material, texture or colours of the surrounding developments are to be considered in the façade design of the new developments.
- P2** The new façade is to consider the texture and materials of their adjacent heritage buildings or contributory items.
- P3** Different treatment is to be considered for the base, middle and top in the overall facade composition.



*Façade material and finishes clearly differentiate the base, middle and top of new buildings. (Source: Google)*

- P4** Extensive expanses or overreliance on painted render is not permitted. Prominence is to be given to pre-coated or through-colour textured finishes in panels or similar formats.
- P5** Blank walls/inactive elevations must use changes in materials, patterns, colours or other design elements to provide variation and architectural interest. This includes blank walls/ inactive elevations that may be exposed to view pending future development on adjoining land.





*Blank walls must be treated to provide variation and architectural interest.*

- P6** Monotonous/bland façade expressions are to be avoided. Building materials and colours should be used to unify and provide visual interest to building exteriors. However, the number of materials and colours should be limited to maintain a visual simplicity and harmony.



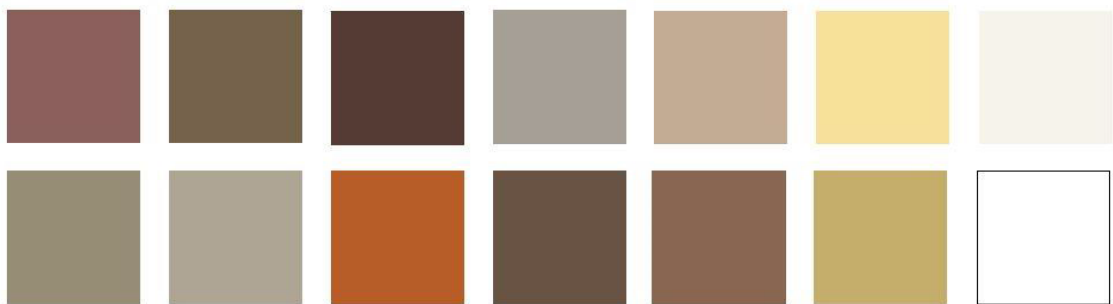
*A combination of different materials and finishes provides a harmonious composition (Source: Google)*

- P7** Changes in façade material or colour should be associated with a change in façade plane or separated by a pilaster, recess or change in scale.

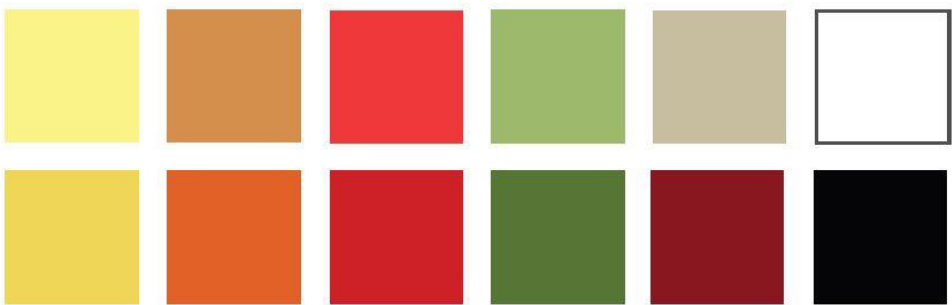


Primary materials are associated with the majority of the elevations of the building. (Source: Auckland Design Manual)

- P8** Opening frames are generally to be recessive colours to mitigate any visual clutter of the overall façade.
- P9** An appropriate palette of colours should be used. Stronger primary colours can be used as the main building colour when used in combination with lighter colours to highlight building accents and create contrast. See sample colour boards below.



1



2

1. Primary colour palette 2. Feature colour palette

- P10** The use of white shall only be permitted on trimming with bright colours to highlight items. Generally neutral tones should predominate and colours selected should fall into the spectrum of the preferred community colour palette.

- P11** Buildings are to avoid high reflectivity glass. No clear glass balustrades will be permitted. Use of translucent or opaque materials for balustrades is encouraged.
- P12** Materials in high rise building forms particularly those terminating views and vistas should help elevate the building's iconic status.



- P5** Low maintenance and graffiti resistant materials must be used wherever possible on surfaces susceptible to graffiti.

### 3.2.3 Lighting and Signage

#### Objectives

- O1** To ensure that that building lighting and signage:
- Contribute to architectural and urban design excellence.
  - Provide cohesive and visually interesting building appearance.

#### Provisions

- P1** The size of the street address sign on the main facade is to be legible for pedestrians walking in the public domain.
- P2** Building names and street addresses are to have contrasting colours and/or material to enhance their legibility.
- P3** External lighting to enhance the details of facade and character of the surrounding context is to be incorporated. Use of indirect lighting is encouraged.
- P4** In town centres and corridors, the external lighting is to illuminate the specific character of the building including the entrances, corner element or roof features.
- P5** Night-lighting of retail display windows in mixed-use buildings in town centres and corridors is encouraged.





- P6** In residential neighbourhoods, the main entrance and the pedestrian high traffic areas are to be illuminated to enhance wayfinding and safety.
- P7** In both centres and corridors, and residential neighbourhoods, external lighting must be integrated to the overall streetscape character.
- P8** Side elevations without window or openings must have a lighting scheme to mitigate the effects of dark inactive elevations being visible from the public domain or streetscape especially after working/trading hours.
- P9** Compliance is required also with the other provisions of the BDCP concerning awnings and signage.

#### **3.2.4 Street-Front Activities and Building Access**

##### **Objectives**

- O1** To encourage pedestrian safety, visual interest and activity at street level.
- O2** To promote street front activities, especially along streets of high pedestrian use.
- O3** To create building entrances that are safe and contribute positively to the streetscape and building façade design.
- O4** To further strengthen activity along classified roads in centres such as Burwood Road, Liverpool Road, Georges River Road and Parramatta Road.

##### **Provisions**

- P1** Where, as a result of the nature of the development, there are specific security requirements, security measures must form an integral part of the building design. Roller shutters are not permitted but retractable open security grilles may be considered.
- P2** Ground floor level development must:
- Promote quality non-residential activities in accordance with the zone.
  - Minimise the number of service doors.



- Encourage visual interest on service doors with displays etc.
  - Provide access points to and from the public domain at not more than 20 metre intervals.
  - Provide at-grade access at entry points.
  - Incorporate visually interesting streetscape frontages at ground level with attractive entries, clear glazed windows and window displays, artworks, articulated architecture and facade modulation.
- P3** Separate and clearly identifiable entrances must be provided from the street for pedestrians and cars, and different uses (residential and non-residential).
- P4** Building entrances must have a direct physical and visual connection with the street.
- P5** Residential component of any development must have a clear street address and a separate entry.
- P6** Outdoor dining is generally encouraged on the footpath of commercially active street frontages, subject to compliance with Council's Outdoor Eating Area Policy.
- P7** All commercial components must have a clear street address.
- P8** CCTV cameras shall be installed over any entrance points (including car parking entrance) for residential flat buildings and major developments. The CCTV system shall provide a quality image that can assist with the detection of crime and be used by the NSW Police in any investigation (preferably a quality digital system). CCTV system footage shall be retained for a period of no less than fourteen days and be available upon request by the NSW Police when required.

#### *Mailbox and Postal Facilities*

- P9** All mail box and postal facilities shall be incorporated into the building in accordance with the requirements of Australia Post. Mail boxes shall be sited and designed for attractive visual appearance and function, as well as to complement the architecture and environs.
- P10** A locking device shall be installed to all mailboxes.
- P11** Mailboxes must be integrated into the front wall such that residents collect mail from a secured internal foyer. Please refer to **Figure 1** and **Figure 2**. External mail boxes accessible only from the footpath outside a development are not permitted.



**Figure 1. Examples of Mailboxes Integrated into the Front Wall of a Residential Flat Building**



**Figure 2. Example of Mailboxes Accessible from a Secure Internal Foyer**

#### *Fire Safety and Power Supply Utilities*

- P12** Development Application documentation must show all required mechanical/functional installations for utilities such as fire hydrant boosters and electrical substations. These must have coverings or shielding to screen their setting so as to minimise their visual impacts.
- P13** Fire safety utilities such as fire hydrant boosters must be screened, accessible at all times and integrated within the overall architectural design of the building.
- P14** Large power supply utilities such as electrical substations must be shielded from public view or encapsulated within the building envelope.



Figure 3. Examples of enclosed fire safety utilities





**Figure 4. Example of a screened large power supply utility / substation**

#### *Mechanical and Ventilation Equipment*

- P15** Mechanical ventilation and plant equipment must not be visible from the public domain, or be attached to the external façades or elevations. It must be located within a central plant area and screened from public view.
- P16** Mechanical ventilation and plant equipment must not adversely affect the architectural quality and presentation of façades, elevations or roof features.
- P17** If mechanical ventilation and plant equipment must be visible from the public domain it must be incorporated within the building design and not detract from the architectural quality of the elevations or roof features.
- P18** Specifications, designs and technical information of mechanical and ventilation equipment must be provided to Council at the development application stage.

### **3.2.5 Subdivision and Car Parking Spaces**

#### **Objectives**

- O1** To promote the orderly and transparent development of land.
- O2** To ensure subdivided car parking spaces are not separated from the uses for which they were provided.

#### **Provisions**

- P1** An application for Strata Title or Community Title subdivision of land may include a car parking space only where the parking space is part of another lot.
- P2** Consent must not be granted to Strata Title or Community Title subdivision which results in the subdivision of car parking alone.

### **3.2.6 Site Isolation**

#### **Overview**

Isolated sites in centres and corridors are those sites whose size and locations could potentially significantly limit development as a result of not being included in an adjoining development proposal. Sites may not be defined as isolated if they have the future potential to amalgamate with an alternate adjoining property.

#### **Objectives**

- O1** To encourage site consolidation of allotments for development in order to promote the efficient use of land and to avoid the creation of isolated sites.
- O2** To encourage the development of existing isolated sites in a manner that responds to the site's context and characteristics and that maintains a satisfactory level of amenity.

#### **Provisions**

- P1** The creation of isolated sites is discouraged.
- P2** Where a development may result in the creation of an isolated site or sites, the applicant is required to demonstrate that negotiations between the owners of the properties commenced at an early stage that was prior to the lodgement of the Development Application. Where no satisfactory result is achieved, the Development Application must include evidence of negotiations with the owners of the properties. These details must include offers to such owners. Such offers are to be reasonable and are to be based on at least one recent independent valuation and include other reasonable expenses likely to be incurred in the sale of the process.
- P3** Where a development may result in the creation of an isolated site the applicant must demonstrate that orderly and economic use and development of the separate sites can be achieved that is consistent with the planning controls. Such demonstration is achieved by the applicant providing an envelope for that site, indicating height, setbacks, resultant site coverage and/or built area (building and basement), sufficient to understand the relationship between the development and that site, the likely impacts the development will have on each other, such as solar access, visual and acoustic privacy, impacts for residential development and traffic impacts if that site is on a main road.
- P4** The development of an isolated site is not to detract from the character of the streetscape and is to achieve a satisfactory level of amenity, including solar access, visual and acoustic privacy.

### **3.2.7 Residential Flat Buildings and Shop Top Housing**

#### **Objectives**

- O1** To clarify the application of DCP provisions to these forms of development.

#### **Provisions**

- P1** In the B4 Mixed Use zone, both residential flat buildings and shop top housing are permitted with consent. For the purposes of implementation of the BLEP 2012 in this zone, where the residential component of a mixed development comprises three or more dwellings, it will be regarded as a residential flat building, not shop top housing. In these cases there will be no restriction on ground floor uses.

Where the residential component of a mixed development comprises one or two dwellings, it will be regarded as shop top housing. In this case the use of the ground floor is restricted to retail or business premises.

In the B4 Mixed Use zone development comprising residential flat buildings or shop top housing will be subject to the same provisions of Part 3 of this DCP, together with SEPP 65 and the Apartment Design Guide (ADG).

For any shop top housing, there is no numerical relationship between the number of dwellings and the ground floor retail or business premises.

**P2** In the B1 Neighbourhood Centre, B2 Local Centre and B6 enterprise Corridor zones, only shop top housing is permitted. In these zones, the residential component of a mixed development comprising one or more dwellings is regarded as shop top housing, and the use of the ground floor is restricted to retail or business premises. There is no numerical relationship between the number of dwellings and the ground floor retail or business premises.

In the B2 Local Centre zone, the provisions of Part 3 of this DCP applying to residential flat buildings will also apply to shop top housing, together with SEPP 65 and the ADG.

In the B1 Neighbourhood Centre zone, development of shop top housing is likely to be minor because of the development standards and heritage restrictions applying. In this zone shop top housing development will be assessed on its merits having regard to the requirements of the BLEP 2012 and existing development in the neighbourhood centre.

In the B6 Enterprise Corridor zone, the residential component of development is restricted to about 10% of potentially available floor space of a building. In this zone the residential development will be assessed on its merits having regard to SEPP 65 and the ADG.

### **3.2.8 Apartment Mix and Minimum Dwelling Sizes**

#### **Objectives**

**O1** To provide housing choice to meet the socio-economic needs of the population.

#### **Provisions**

**P1** Residential development in excess of 20 dwellings must provide a mix of dwellings containing one, two or more bedrooms.

**P2** All residential developments must provide the following minimum apartment sizes:

- Studio apartments - 40 square metres.
- One bedroom apartments - 50 square metres.
- Two bedroom apartments - 70 square metres.
- Three or more bedroom apartments - 95 square metres.

**P3** Calculation of the apartment size must be the net area and is exclusive of the apartment's perimeter walls, balconies and excessive internal circulation of the dwellings. The storage areas required to be provided within each dwelling by Section 3.2.16 of this DCP section may be included in the calculation of the net area.

<b>Advisory Note:</b>
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These provisions also apply to serviced apartments.
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### **3.2.9 Minimum Site Area**

#### **Objectives**

- O1** To ensure sites are capable of accommodating development.

#### **Provisions**

- P1** Any development with a height over 10m is generally required to have a minimum site area of 500sqm.
- P2** Council will only consider a development with a minimum site area below 500 sqm where the Council is satisfied that:
- The development demonstrates design excellence.
  - The development provides a good response to the streetscape and surrounding development (in terms of both existing and future development).
  - The development provides full compliance with parking requirements without the use of automated or mechanical car parking systems.

### **3.2.10 Building Depth**

#### **Objectives**

- O1** To provide adequate amenity in terms of access to natural light and ventilation.

#### **Provisions**

- P1** For development including multi dwelling housing refer to the building amenity provisions of the ADG which supplements SEPP 65 – Design Quality of Residential Apartment Development.

### **3.2.11 Ceiling Height**

#### **Objectives**

- O1** To provide adequate amenity.
- O2** To allow for future mix of uses and contribute to flexibility of use.

#### **Provisions**

- P1** Development must provide the following minimum ceiling heights. Dimensions are expressed from finished floor levels to finished ceiling levels:
- Ground level of all development (commercial and residential): 3.3 metres.
  - Non-residential floors above ground level: 3.0 metres.
  - Residential floors above ground level: 2.7 metres for habitable rooms and 2.4 metres for non-habitable rooms.
- P2** In developments where 50% or more units on a level do not receive a minimum of 2 hours of direct sunlight to habitable spaces in midwinter (balconies excluded) the floor to ceiling height must be a minimum of 3 metres for the entire floor (approx. 3.3 metres floor to floor).
- P3** Floor to ceiling heights that have been approved as per Provision P2 above cannot be reduced on subsequent approvals or modifications.

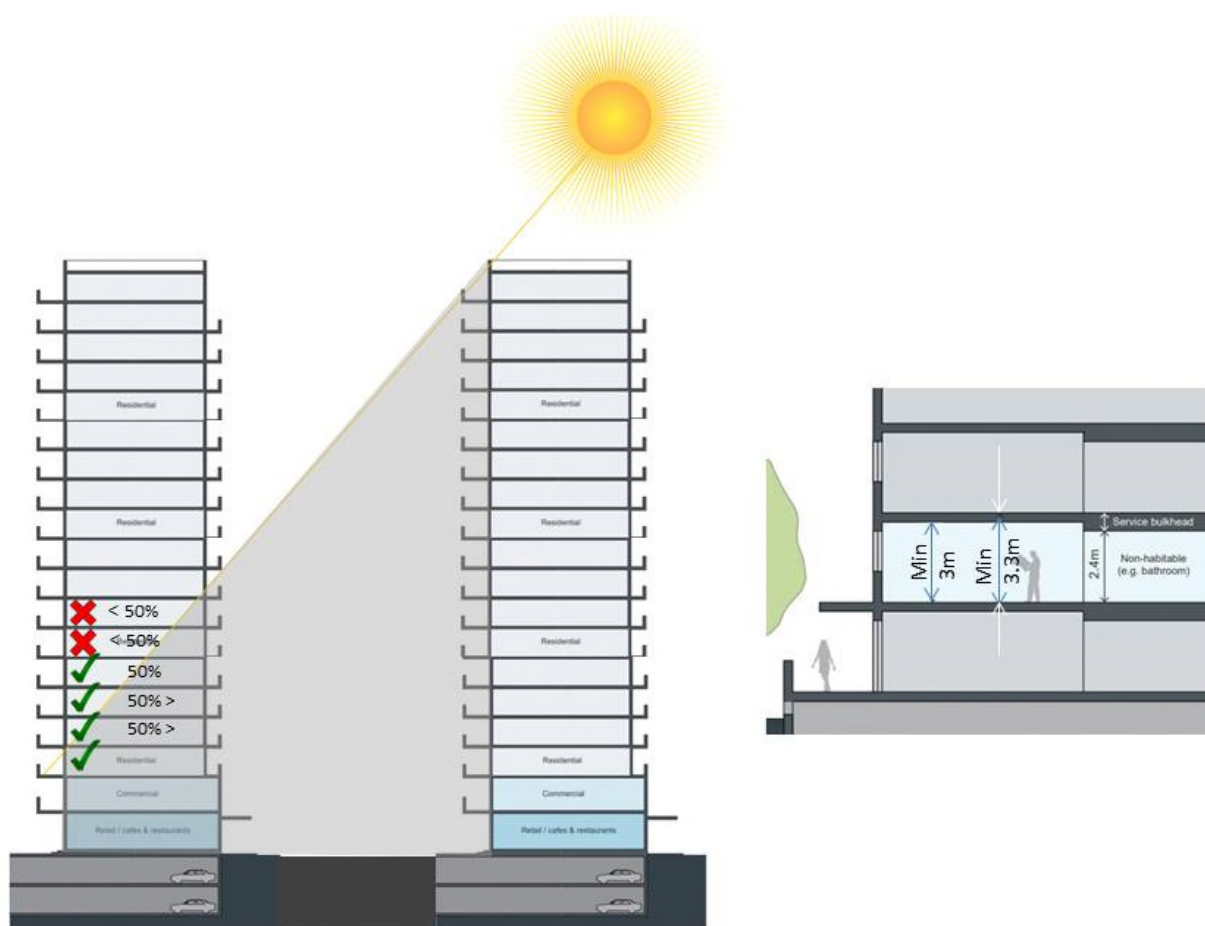


Figure 5. Increased floor to ceiling heights (Adapted from ADG 2015)

### 3.2.12 Natural Ventilation

#### Objectives

- O1** To provide adequate amenity.
- O2** To minimise the energy consumption of development through reduced reliance on mechanical ventilation.

#### Provisions

- P1** For development including multi dwelling housing refer to the building amenity provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Apartment Development.

### 3.2.13 Daylight Access

#### Objectives

- O1** To orient development to optimise solar access.
- O2** To minimise the energy consumption of air-conditioning of development.

#### Provisions

- P1** For development including multi dwelling housing refer to the building amenity provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Apartment Development.



### **3.2.14 Visual and Acoustic Privacy**

#### **Objectives**

- O1** To provide adequate amenity.

#### **Provisions**

- P1** Development must be located and orientated to maximise visual privacy between development on the site and adjacent development by:
- Providing adequate rear and side setbacks.
  - Utilising the site layout to increase building separation. For example, orientation of buildings on narrow sites to the front and rear of the lot, thereby utilising the street width and rear garden depth to increase the apparent building separation distance.
- P2** Detailed site and building design elements may be incorporated to increase privacy without compromising access to light and air. Design detailing may include:
- Solid or semi-solid balustrades to balconies.
  - Offset windows of dwellings.
  - Recessed balconies and/or vertical fins.
  - Louvres or screen panels to windows and/or balconies.
  - Fencing.
  - Vegetation as a screen between spaces.
  - Pergolas or shading devices to limit overlooking.

### **3.2.15 Private Open Space**

#### **Objectives**

- O1** To provide all dwellings in centres and corridors with secure private open space, either in the form of a private courtyard or balcony.
- O2** To provide usable private open space areas which relate well to the main internal living areas.
- O3** To provide open space with soft landscaping.

#### **Provisions**

- P1** All dwellings must have direct access to one primary open space from the main living area.
- P2** The primary open space must be dimensioned to promote indoor/outdoor living. A dining table and two chairs (small apartment, i.e. 1 bedroom) or four chairs (large apartment, i.e. 2 or more bedrooms) should fit on the primary open space. The following minimum dimensions, clear of balustrades, must be achieved:
- Minimum depth - 2 metres (up to one bedroom).
  - Minimum depth - 2.5 metres (two or more bedrooms).
  - Minimum area - 8 sq metres (one and two bedrooms).
  - Minimum area - 10 sq metres (three bedrooms or larger).
- P3** Private open space must respond to site conditions including sun, noise, wind and privacy. Sun screens, pergolas, shutters and openable walls are to be used to increase amenity where appropriate.

**P4** Private open space must form an integral part of the development's design.

### 3.2.16 Lobbies and Internal Circulation – All Development

#### Objectives

- O1** To provide communal spaces which contribute to the overall design, experience and performance of the development.
- O2** To provide well designed and lit spaces for occupant movement and waiting.
- O3** To provide inviting communal spaces which include facilities for seating, mail boxes and supervision personnel.

#### Provisions

- P1** Entry lobbies must be designed to provide facilities for seating, mail delivery and collection, and supervising personnel wherever possible.
- P2** Lift lobbies must be naturally ventilated. Daylight is to enter all residential lift lobbies.
- P3** Common area corridors must be designed to facilitate easy movement of people and furniture. Corridors must incorporate varied surfaces, textured and materials, and clearly identified apartment numbers.
- P4** Common area corridors must be a minimum of 2 metres in width. Areas in front of arrival points i.e. lifts and fire stairs should have an additional depth up to 2.5 metres to facilitate improved internal building amenity. Access to facilities such as doors to rooms enclosing garbage chutes or vertical risers, if clustered around lift cores, should also benefit from additional corridor depth.



**Figure 6. Corridor widths. (Adapted from ADG 2015)**

- P5** The name and number of a development must be clearly displayed at the entry outside the development. Suitable illumination for after-hours recognition must be provided.

### 3.2.17 Storage for Apartments

#### Objectives

- O1** To provide adequate storage for everyday household items within easy access of the apartment.
- O2** To provide storage for equipment including those associated with sporting, leisure, fitness and hobby activities.

### **Provisions**

- P1** For development including multi dwelling housing refer to the building configuration provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Apartment Development.
- P2** At least 50% of the storage area must be provided within the dwelling and 25% accessible from active areas.
- P3** Where the remaining 50% of the storage is located in the basement of the development it must be linked to its associated dwelling through its relevant strata title.

### **3.2.18 Safety and Security**

#### **Objectives**

- O1** To ensure development is safe and secure for occupant's visitors and other users at all times.

#### **Provisions**

- P1** The routes between a development's entrance and its dwellings must be designed to maximise occupant safety. The routes from car parking areas to the lift lobby are particularly important in this regard. Clear sight lines and well-lit routes must be provided.
- P2** Development must comply with Council's Burwood Community Crime Prevention and Safety Plan.
- P3** Development must be provided with clearly defined site boundaries to strengthen the distinction between public and private space.
- P4** Facades at ground level must be activated by locating after hours uses so they are visible from the publicly accessible areas.
- P5** Development access must be controlled by:
- Restricting access from balconies, roofs and windows of neighbouring development.
  - Providing separate access from public and common areas.
  - Providing separate access for residents in mixed-use developments.
  - Providing an audio or video intercom system at the pedestrian or vehicular entrance or in the lobby for visitors to communicate with residents.
  - Providing secure keyed or electronic access for residents.
- P6** Concealment opportunities must be minimised from development by:
- Eliminating blind or dark alcoves near lifts and stairwells.
  - Providing clear sight lines and well lit routes throughout the development.
  - Providing appropriate levels of illumination for all common areas.
- P7** Residential development must be oriented so that primary windows and private open space address the street and publicly accessible areas.
- P8** Where, as a result of the nature of the development, there are specific security requirements, security measures must form an integral part of the building design.

### Security Grilles and Shutters

- P9** Fully enclosed roller shutters are not permitted to shop fronts or other business premises. Retractable open security grilles may be considered.
- P10** Security bars, roller shutters or fixed grilles visible from the public domain on any commercial, retail or business premises are prohibited.



Figure 7. Examples of prohibited security bars, shutters or permanent grilles and air handling systems

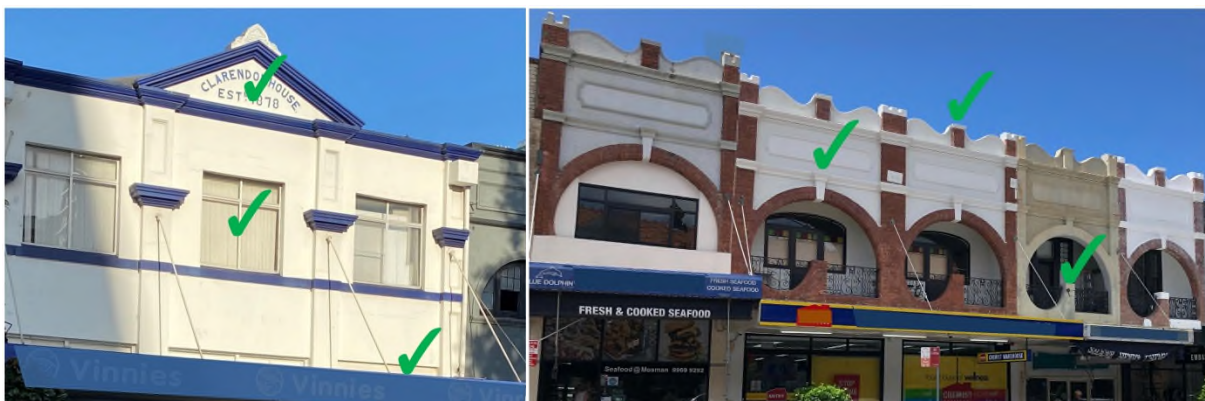


Figure 8. Examples of good quality facades without security bars, permanent grilles or air handling systems

### **3.2.19 Access and Mobility**

#### **Objectives**

- O1** To ensure development is designed to facilitate access by the whole community including those with mobility impairment.

#### **Provisions**

##### *All Development*

- P1** The main entry of development must be designed and identified for use by persons with a mobility impairment.
- P2** The main entry must be accessible from the street footpath in accordance with Australian Standard (AS) 1428: Design for Access and Mobility.
- P3** Safe and convenient access must be provided in all development, car parks and communal facilities.
- P4** Compliance with AS 1428.1 is required with respect to access requirements on new building work.
- P5** Tactile indicators must be provided on the ground immediately adjacent to the approach and departure sides of any changes in floor levels in the public domain which incorporate a step, ramp, stepped ramp or the like in accordance with AS 1428.4.

##### *Residential Component of Development*

- P6** At least 10% of dwellings in a development must be provided as adaptable housing to Adaptable House Class A or B standard to cater for ageing in place and mobility impaired residents, in accordance with AS 4299: Adaptable Housing.
- P7** At least one car parking space must be provided and allocated to each dwelling required to be provided as accessible or adaptable housing under this Section and the car parking space must be accessible in accordance with the provisions of AS 1428.2 to facilitate automatic vehicular wheelchair loading and unloading.
- P8** For development providing between 20 to 79 dwellings, one accessible visitor car parking space must be provided on site must be accessible in accordance with the provisions of AS 1428.2 to facilitate automatic vehicular wheelchair loading and unloading.
- P9** For development providing 80 or more dwellings, additional accessible visitor car parking spaces must be provided on-site which are accessible, as per P8 above, at the rate of one per each 60 dwellings or part thereof.

### **3.2.20 Awnings and Associated Structures**

#### **Overview**

Awnings attached to buildings and free standing awning/shade structures including semi-permanent umbrellas provide weather protection for pedestrians and contribute to the creation of a comfortable environment for people to walk, shop and dine in the public domain. Awnings and associated structures should be designed to enhance the character of the streetscape.

Under the BLEP 2012 road reserves are generally zoned the same as the adjoining land. In the Burwood Town Centre and its extension along Burwood Road North and in the Strathfield Town



Centre most roads are zoned B4 Mixed Use. The installation of any structures that are not attached to the building such as outdoor dining area, free standing awning/shade or umbrella constitutes development in the B4 zone that is permitted with development consent.

For new developments, proposed outdoor dining area and/or awnings and free standing awning/shade and shelter structures should be included in the overall Development Application for the development.

Where an outdoor dining area and/or an awning or a free standing shelter structure is proposed as an addition to existing development, a Development Application is required to be submitted.

The following subsections provide location and design guidelines for applicants and also serve as criteria for assessment of Development Applications.

### 3.2.20.1 Awning Style - Attached to Buildings

#### Objectives

- O1** To provide pedestrian amenity with continuous overhead weather protection.
- O2** To provide a consistent streetscape to ensure visual continuity.

#### Provisions

- P1** Awnings must be provided above the public domain (i.e. footpath) for buildings built to the street front boundary, where awnings are part of the streetscape character.
- P2** Where development has a set back from the street boundary, and there is formal pedestrian access from that street, provision of an awning over the access to the building is encouraged.
- P3** New awnings must be of the traditional steel box design, in a straight form, supported from above, or cantilevered. Glass awnings may be considered where these do not adversely impact the streetscape consistency and visual continuity.
- P4** New awnings must be integrated and compatible with the adjacent awnings that are consistent with this DCP.
- P5** Change in height of the awning is not permitted unless it steps down or up to follow the terrain/ level of the street.
- P6** Awning length must extend across the entire street front and connect with the adjoining awnings, except above vehicle entry points or service entrances.



Awning forms should be compatible with that of the adjacent properties.



Awnings with designs that detract from the continuity of the streetscape are discouraged.



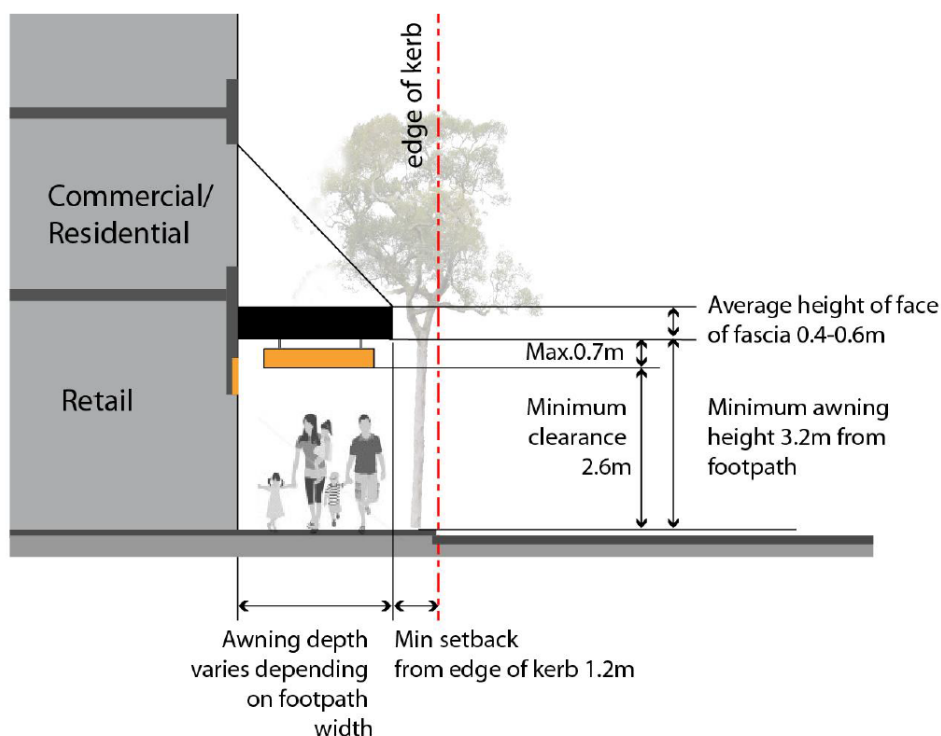
### 3.2.20.2 Awning Dimensions - Attached to Buildings

#### Objectives

- O1** To provide sufficient clearance and adequate shelter for pedestrians.
- O2** To provide a continuous and harmonious streetscape.
- O3** To define and mark buildings on street corners.
- O4** To afford visibility to shopfronts from the opposite footpath.

#### Provisions

- P1** Awning height measured from the footpath to the underside of the awning must be a minimum of 3.2 metres and a maximum of 3.5 metres. If signs are incorporated under the awning, they must allow a minimum clearance of 2.6 metres above the footpath.
- P2** The height of the awning fascia must be between 0.4 metres and 0.6 metres.
- P3** Any change in the awning height to accommodate sloping streets must have a maximum step height of 0.6 metres.
- P4** For footpaths that are wider than 3 metres, new awnings must be setback from the edge of the kerb by a minimum of 1.2 metres to avoid conflict with parked vehicles and street trees. For footpaths less than 3 metre wide, new awnings must be setback from the edge of the kerb by a minimum of 0.6 metres.
- P5** The awnings for corner buildings must be splayed have a consistent length and design and can be slightly higher from the footpath to define the corner. The maximum awning height between the footpath and the underside of the awning is 3.5 metres.
- P6** Awnings must continue around buildings located on street corners.



**Figure 9. Awning Dimensions**



Continuous splayed awning around the corner



Awnings should be continuous.

### *Mechanical Ventilation Systems*

- P7** Mechanical ventilation, specifically air handling units and other plant equipment must not be visible from the public domain, be attached to the external façades or elevations, placed above awnings or anywhere on a shopfront elevations. It must be located within a central plant area and screened from public view.
- P8** Mechanical ventilation and plant equipment must not adversely affect the architectural quality and presentation of shopfront façades, decorative pediments, and parapet outlines or roof features.
- P9** Specifications, designs and technical information of mechanical and ventilation equipment must be provided to Council at the development application stage for new builds, refurbishments and alterations.



### 3.2.20.3 Materials and Colours of Awnings - Attached to Buildings

#### Objectives

- O1** To define and create a consistent edge of the awning.
- O2** To provide a consistent character underneath the awning.
- O3** To avoid visual clutter and to enhance the public domain.
- O4** To increase personal safety and security through the use of artificial lighting.

#### Provisions

- P1** Awnings, including their underside, must be constructed with high quality and low maintenance materials with simple detailing to reduce visual clutter.
- P2** Under awning supporting structures, ducts, cables and wiring must be concealed from view. Lights should be integrated within the awning, e.g. LED down-lights.
- P3** Artificial lighting must be installed in awnings at no greater than 6 metre centres and enable face recognition.
- P4** Awnings must adopt a coordinated colour scheme that is compatible with the building. Multiple, bright, and rainbow colours are discouraged.
- P5** Awnings must be regularly maintained to ensure ongoing structural adequacy and weather protection.



Under awning supporting structures, wiring and lighting should be concealed unless they are consistent with the character of the building.



Exposed lights are not encouraged unless they are fitted and integrated within the fascia or consistent with the character of the building.



Exposed under awning supporting structures are not encouraged unless they are consistent with the character of the building.



Glass awnings should demonstrate streetscape consistency and visual continuity with adjacent awnings.

### 3.2.20.4 Awning Extensions

#### Objectives

- O1** To provide additional overhead weather protection to outdoor dining areas.
- O2** To maintain a harmonious and consistent public domain with minimal visual clutter and high levels of visual connection between both sides of the footpath.

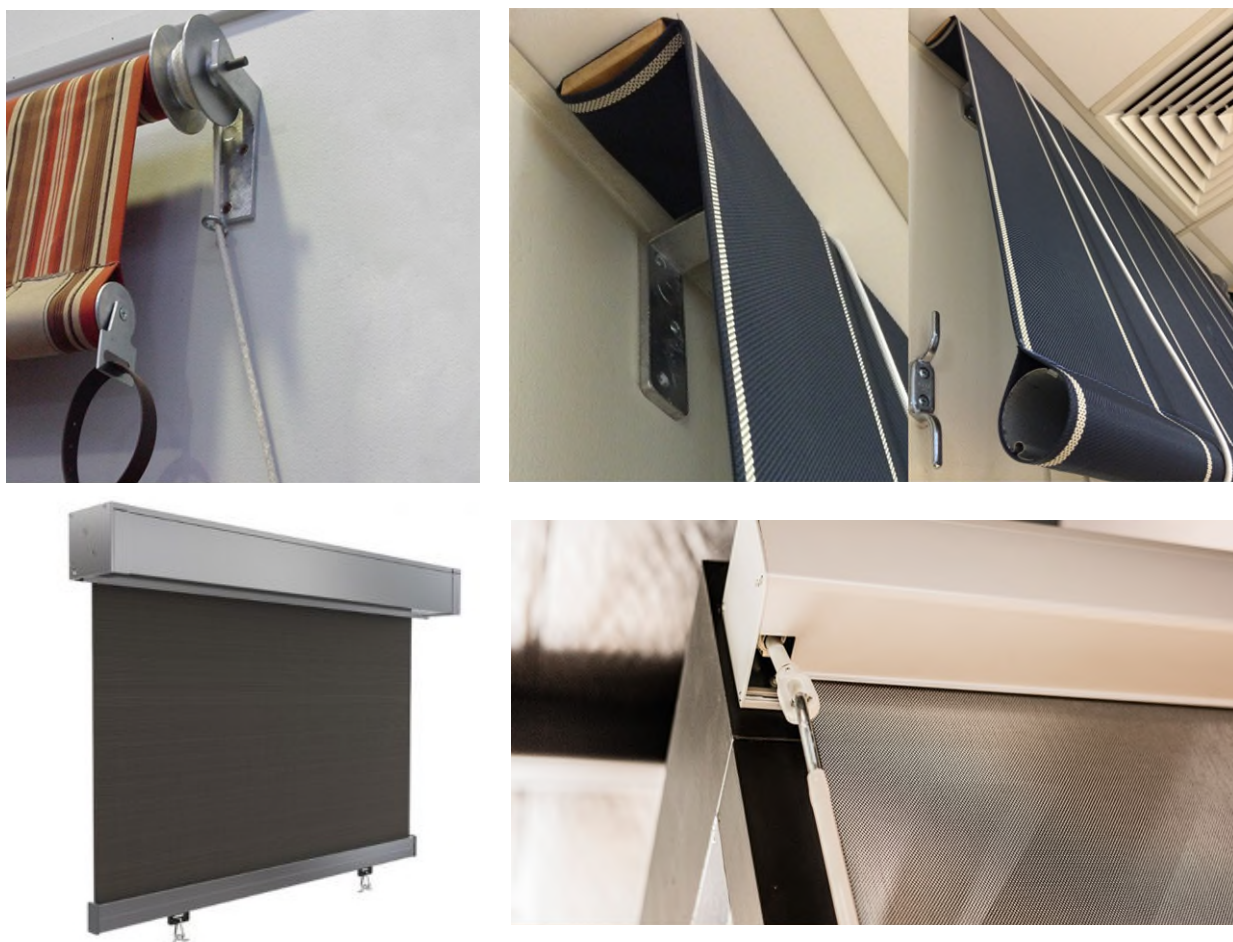
#### Provisions

- P1** There are three types of awning extensions:
- straight drop extensions,
  - retractable extensions and
  - permanent extensions.
- P2** Awning extensions must be positioned a minimum of 1 metre away from the centreline of any tree, parallel to the edge of the kerb.
- P3** Full awning extensions that drop to the ground, whether they are made of transparent or opaque materials, e.g. cafe blinds, and side screens or panels at the side edges of the awning extension are not permitted.
- P4** An awning extension should at least not detract from and preferably improve the overall streetscape character and appearance.
- P5** Awnings must be regularly maintained to ensure ongoing structural adequacy and weather protection.

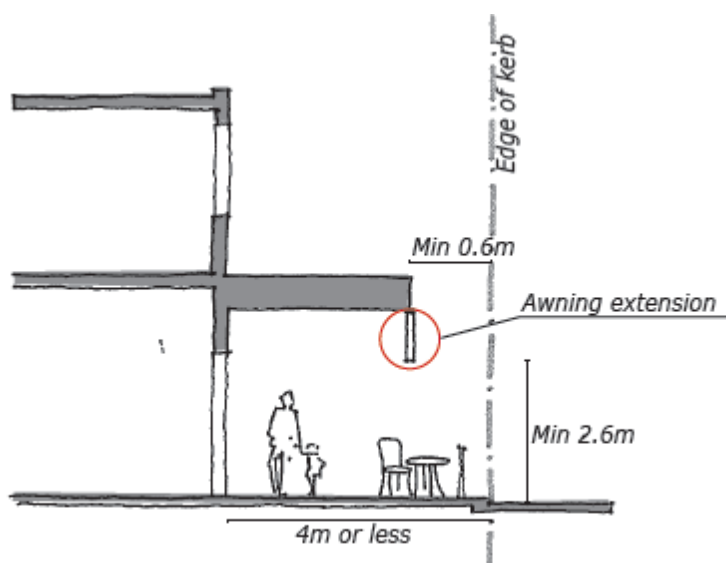
#### *Straight Drop Extensions*

- P5** These are awning devices attached to the main awning for the premises that are vertically retractable. They cannot be permanent fixtures.
- P6** A straight drop extension is to be used only where the footpath has a width of 4 metres or less.
- P7** This type of extension must be attached under the fascia of the main awning and the fixing mechanisms must not be visible from the street. The fascia of the main awning is to remain exposed.
- P8** A minimum clearance of 2.6 metres from the underside of the extension to the footpath below must be maintained. The outer surface of the extension (including any structural element) must maintain a 0.6 metres clearance from the kerb line.
- P9** The type of extension should not exceed 4 metres in horizontal length for any individual segment.
- P10** A straight drop extension may use a narrow structural profile on both sides to provide additional strength for different weather conditions.
- P11** The fabric for this type of extension must be made of light weight canvas or a similar material.
- P12** A coordinated colour scheme that is compatible with the main awning, with limited contrasting colours should be used for straight drop extensions. A selection from a palette of dark colours (dark green, indigo, black) is encouraged. Multiple, bright, and rainbow colours are discouraged.

**P13** Display of any advertising text or signs on the straight drop extension is not supported. Any proposals of this nature are to be included in the development application.



**Figure 10. Straight Drop Awning Extensions**



**Figure 11. Straight Drop Awning Extensions**

*Retractable Awning Extensions (Horizontal)*

- P14** These are awnings attached to the main awning for the premises and are retractable in the horizontal plane to provide flexibility of use and to deal with variable weather conditions. They are not permanent fixture.
- P15** A retractable awning extension is to be used only where the footpath has a width of 4 metres or more.
- P16** This type of extension must be attached under the fascia of the main awning and the fixing mechanisms must not be visible from the street. The fascia of the main awning is to remain exposed.
- P17** A minimum clearance of 2.6m from the underside of the extension to the footpath below must be maintained.
- P18** A maximum 200mm plastic/canvas drop at the outer edge of the retractable awning is allowed for extra weather protection.
- P19** The outer edge of the retractable awning is to have a minimum of 0.6 metres clearance from the edge of the kerb.
- P20** A gutter profile must be installed at the outer edge of the retractable awning to direct rain water to the street.
- P21** No vertical elements that attach the awning to the ground are permitted.
- P22** The structural elements on the underside of the retractable extension are to be the minimum required to properly support and operate the awning, and are to be comprised of high quality architectural elements.
- P23** This type of awning extension should not exceed more than four segments where it is parallel to the kerb.
- P24** A coordinated colour scheme that is compatible with the main awning, with limited contrasting colours should be used for the awning extension. A selection from a palette of dark colours (dark green, indigo, black) is encouraged. Multiple, bright, and rainbow colours are discouraged.
- P25** Display of any advertising text or signs on the retractable extension is not supported. Any proposals of this nature are to be included in the development application.



**Figure 12. Retractable Awning Extensions**



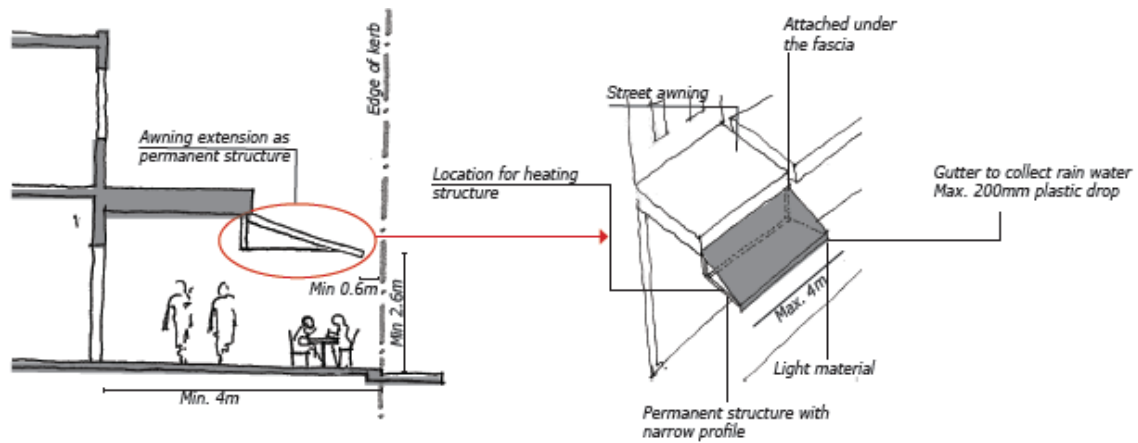
### *Permanent Awning Extensions*

- P26** These are awnings attached to the main awning for the premises as permanent structures that are not retractable.
- P27** A permanent awning extension is to be used only where the footpath has a width of 4 metres or more.
- P28** This type of extension must be attached under the fascia of the main awning and the fixing mechanisms must not be visible from the street. The fascia of the main awning is to remain exposed.
- P29** A minimum clearance of 2.6 metres from the underside of the extension to the footpath below must be maintained.
- P18** A maximum 200mm plastic/canvas drop at the outer edge of the permanent awning is allowed for extra weather protection.
- P19** The outer edge of the permanent awning is to have a minimum of 0.6 metres clearance from the edge of the kerb.
- P20** A gutter profile must be installed at the outer edge of the permanent awning to direct rain water to the street.
- P21** No vertical elements that attach the awning to the ground are permitted.
- P22** The structural elements on the underside of the extension are to have a narrow profile and be the minimum required to support the awning. The awning extension is to be comprised of high quality architectural elements.
- P23** This type of extension should not exceed 4 metres in horizontal length for any individual segment.
- P24** A coordinated colour scheme that is compatible with the main building, with limited contrasting colours should be used for the awning extension. A selection from a palette of dark colours (dark green, indigo, black) is encouraged. Multiple, bright, and rainbow colours are discouraged.
- P25** Display of any advertising text or signs on the permanent extension is not supported. Any proposals of this nature are to be included in the development application.





*Note: These photos provide examples of awnings that may be used as permanent awning extensions.*



**Figure 13. Permanent Awning Extensions**





Retractable partial drop down awning extensions that are fixed to the underside of the fascia and in a coordinated colour scheme



Non retractable and/or permanent supporting structures holding the drop down awning extension is not allowed



Canvas materials are permitted as awning extensions and they should be fixed to the underside of the awning.



Awning extensions should not be fixed to the face of the awning fascia.



Retractable awning extensions



Permanent awning extension structures can obstruct visual connections between both sides of the street.



Side screens or panels on the side of the awning extension and café blinds that drop to the ground are not permitted.



### 3.2.20.5 Permanent Free Standing Awnings/Shade and Shelter Structures

#### Objectives

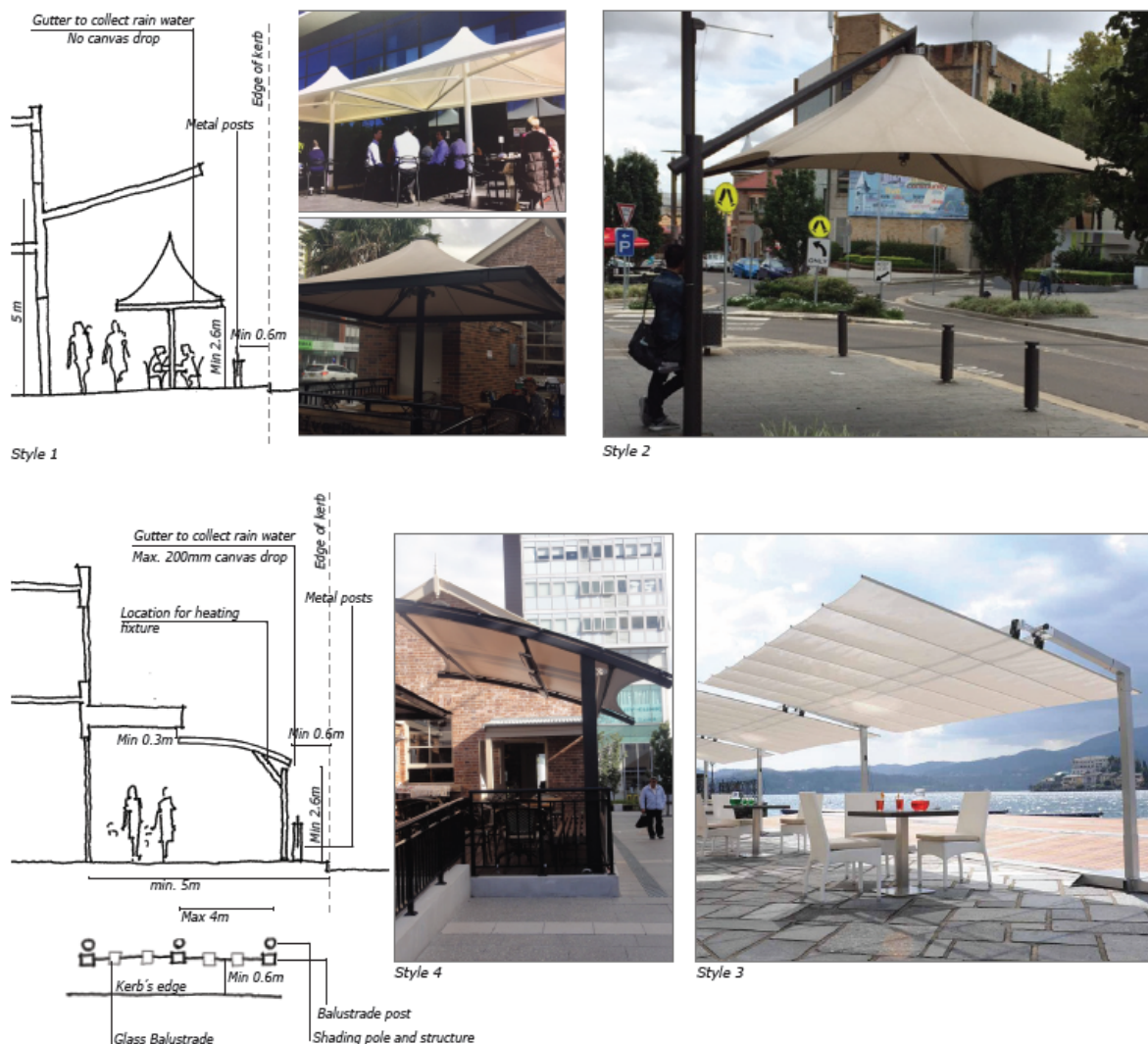
- O1** To provide additional overhead weather protection to outdoor dining areas.
- O2** To provide for variety in style and form of overhead weather protection including free standing shade structures and semi-permanent umbrellas.
- O3** To maintain a harmonious and consistent public domain with minimal visual clutter and high levels of visual connection between both sides of the footpath.

#### Provisions

- P1** Free standing awnings/shade structures will be considered only in the sections of the footpath that have a minimum depth of 5 metres.
- P2** The structures may use any of the 4 styles indicated in the **Figure 14**.
- P3** Styles 1 & 2 should be used in corners or sections of a street without awnings. Styles 3 & 4 should be mixed with street awnings for extra protection.
- P4** The design and appearance of the structures are to be based on minimum structural elements with narrow profiles not exceeding 120mm and use of high quality architectural features.
- P5** A free standing awning/shade structure must maintain a minimum clearance of 2.6 metres from the underside of the structure to the footpath below.
- P6** The free standing awning structure (non-umbrella) must maintain a minimum 0.6 metres setback from the kerb line and a 0.3 metres clearance from any overhead main awning.
- P7** A free standing umbrella is to be located behind low metal posts set into the pavement that have a minimum setback from the kerb of 0.6 metres.
- P8** Canvas or other cover material used in the structures is to select from a palette of dark colours (dark green, indigo, black).
- P9** Display of any advertising text or signs on the structure is not supported. Any proposals of this nature are to be included in the development application.
- P10** Side drops of plastic or other material to provide extra weather or shade protection whether retractable or not are not permitted for Styles 1 & 2.
- P11** For Styles 3 & 4 a side drop of plastic or other material to provide extra weather or shade protection whether retractable or not may be included provided it has a maximum drop of 200mm.
- P12** For Styles 3 & 4 a gutter profile must be installed to direct rain water to the street. Suitable for deeper footpaths and higher awnings above 3.5m.
- P13** Heating or lighting fixtures should be attached directly to the structure's frame.
- P14** The structure is required to be integrated and aligned with any street fences, bollards, balustrades, posts and safety guards existing or proposed by the applicant where the structure is to be installed.

**P15** The vertical posts or other structural elements supporting a free standing awning/shade structure must be coordinated with existing or proposed street posts or balustrades to avoid adding clutter to the streetscape.

**P16** The location of a free standing awning/shade structure at a street corner or along a section of streets should at least not detract from and preferably improve the overall streetscape character and appearance.



**Figure 14. Styles of Permanent Free Standing Awnings/Shade Structures**

### 3.2.20.6 Location of Awnings in Burwood Road

Burwood Road from Parramatta Road to Woodside Avenue provides many potential locations for outdoor dining areas that may include awning extensions or free standing shade and shelter structures that give additional weather protection.

This section of Burwood Road has many intersections with side streets and has different footpath widths and existing awning heights along its length, as well as different existing awning styles and streetscape characters.

#### Objective

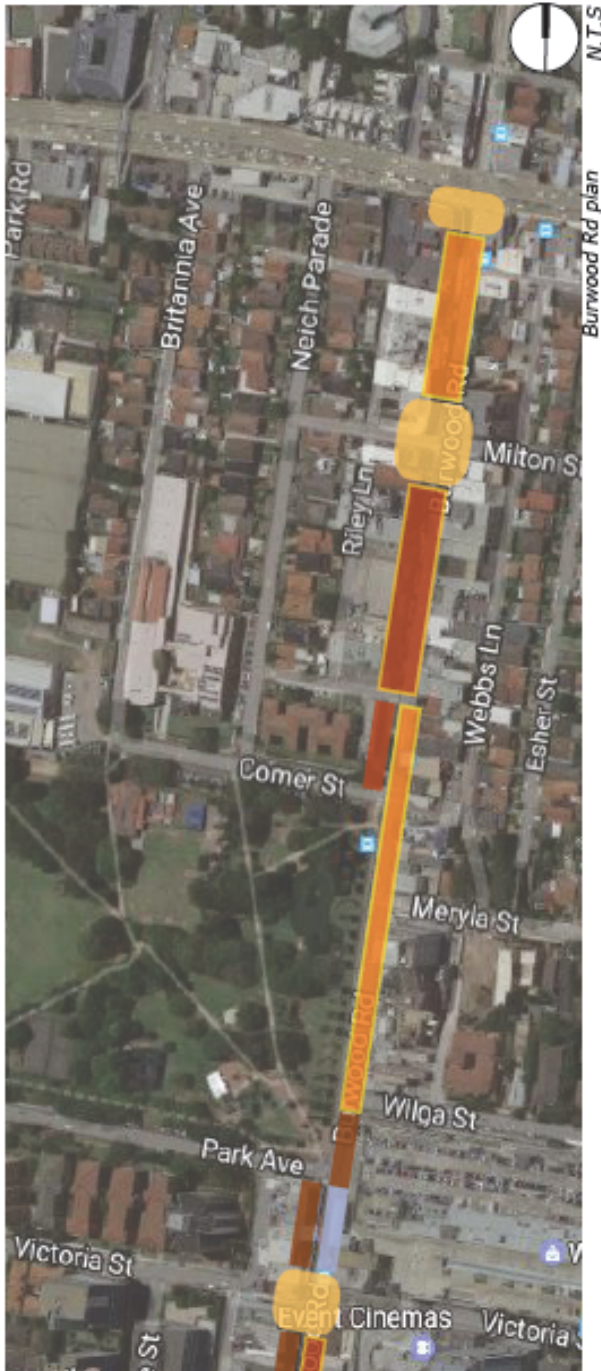
**O1** To indicate the preferred locations for the different types of awning extensions or free standing shade structures along Burwood Road.

## Provisions

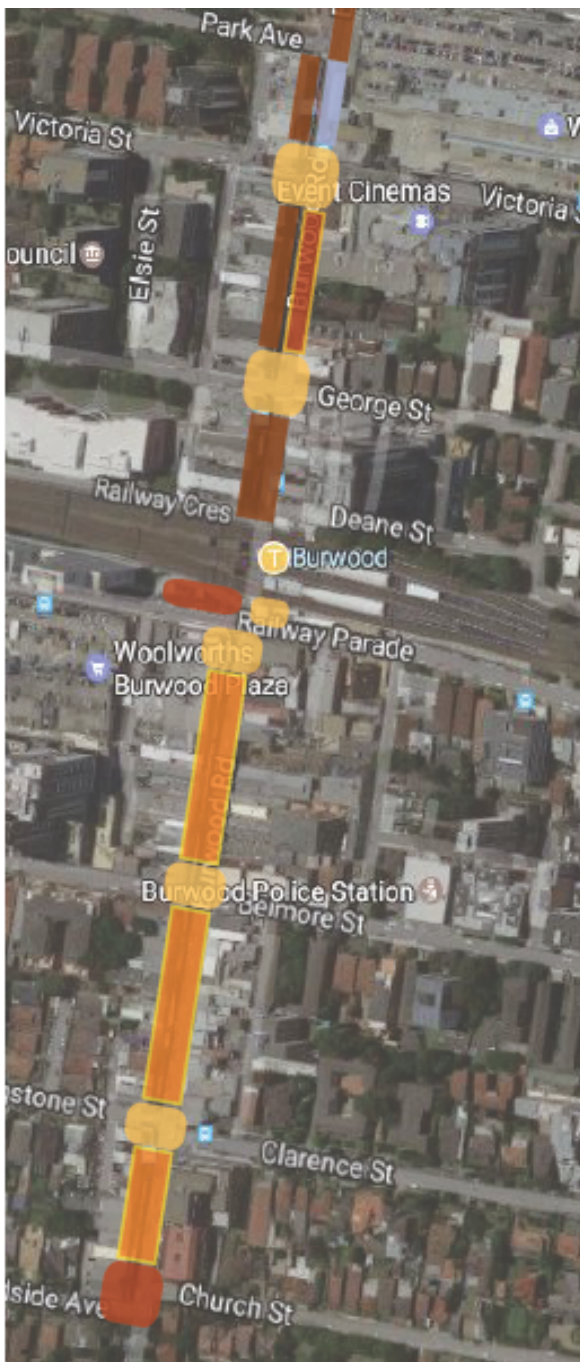
- P1** The **Figure 15** provides the map indicating the preferred locations.
- P2** Specific intersections are identified as locations for use of retractable awnings to maintain the continuity of the streetscape.
- P3** The majority of the street length is identified for more than one possible awning extension type, to enhance the variety of the streetscape.
- P4** Straight drop and retractable awning extensions are identified for use in street sections with narrow footpaths (as specified above).
- P5** Sections of street with wider footpaths are identified for use with free standing umbrellas or shade structures. The map in **Figure 15** also indicates the preferred locations of free standing shade structures Style 2, umbrellas with a central post (Style 1) or fixed free standing shade structures (Styles 3 and 4).



Burwood Road Burwood,  
Parramatta Road to Victoria Street



Burwood Road Burwood,  
Victoria Street to Woodside Avenue



- STRAIGHT DROP AWNING EXTENSION
- RETRACTABLE AWNING EXTENSION
- PERMANENT FREE STANDING SHADING INCLUDING STYLE 2
- UMBRELLA SHADING STRUCTURE WITH A CENTRAL POST
- PERMANENT FREE STANDING SHADING (STYLES 3 & 4) & RETRACTABLE SHADING STRUCTURE
- STRAIGHT DROP & RETRACTABLE EXTENSION

Figure 15. Appropriate Locations for Specific Awning Types

### 3.3 Area Based Controls – Burwood Town Centre and Burwood Road North



Figure 16. Burwood Town Centre and Burwood Road North Areas



## Aims

The aims for the BTC and the contiguous Burwood Road North area are:

- To provide for a vibrant centre with a level of amenity that reflects its Major Centre status.
- To provide for a built form that supports appropriate urban design outcomes
- To ensure a building scale that complements existing heritage items and human-scale streetscape environments.

### 3.3.1 Burwood Town Centre

#### Building Height Plane

##### Overview

The BLEP 2012 controls height through the maximum permissible building heights established in the Height of Buildings Map for the whole LGA, and through the application in addition of a Building Height Plane (BHP) in the BTC. This subsection indicates the objectives of the BHP and further explains how the BHP is determined and applied.

##### Objectives

- O1** To maintain the amenity of land outside and adjoining the BTC and provide such land with adequate solar access.
- O2** To illustrate how the BHP controls are applied.

##### Provisions

- P1** The height of buildings on land within the BTC is not to project above the BHP as identified in Clause 4.3A and on the map marked - "Building Height Plane Map in the BLEP 2012.

**Advisory Note:**

The BTC is not orientated true north which explains the difference of solar angles along different parts of the Town Centre boundary as illustrated in **Figure 17**.

- P2** For ease of reference the BHP particulars from the BLEP 2012 are set out in the map and table in **Figure 17**.
- P3** For the purposes of providing additional guidance, **Figure 17** to **Figure 22** indicate the operation of the BHP in Conder Street and Wynne Avenue, Belmore Street, Clarence Street and Shaftesbury Road.

**Advisory Note:**

The Building Height Plane established under the Building Height Plane Map in the BLEP 2012 cannot be varied under Clause 4.6 of the BLEP 2012.



Building Height Plane			
BHP Line Symbol	BHP Line Height	BHP Projected Angle	BHP General Orientation
	1.0m	54°	East of BHP line
	1.8m	54°	East of BHP line
	1.0m	36°	West of BHP line
	1.0m	33°	North of BHP line
	1.8m	33°	North of BHP line

Figure 17. BTC Building Height Plane Map and Table

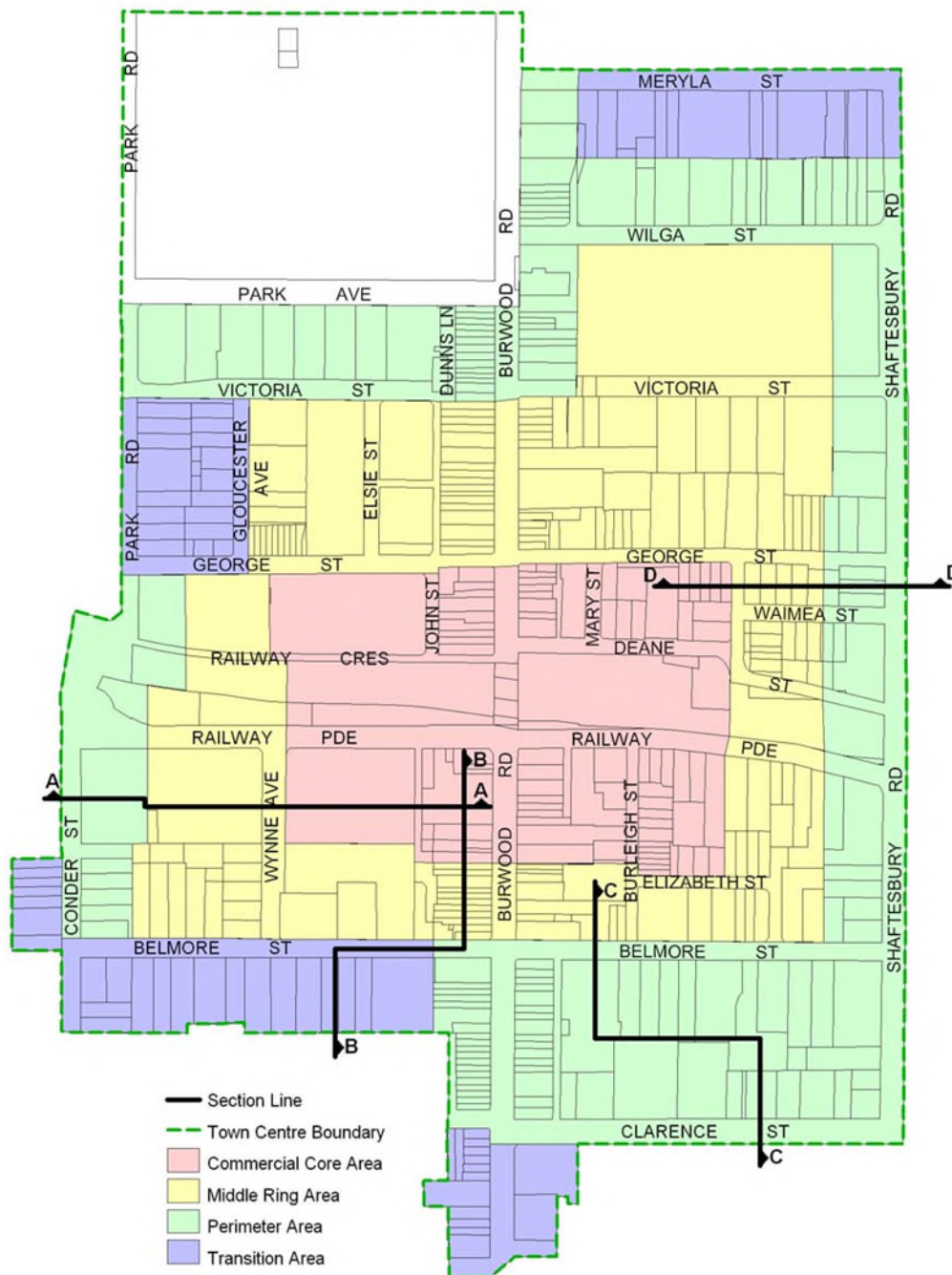
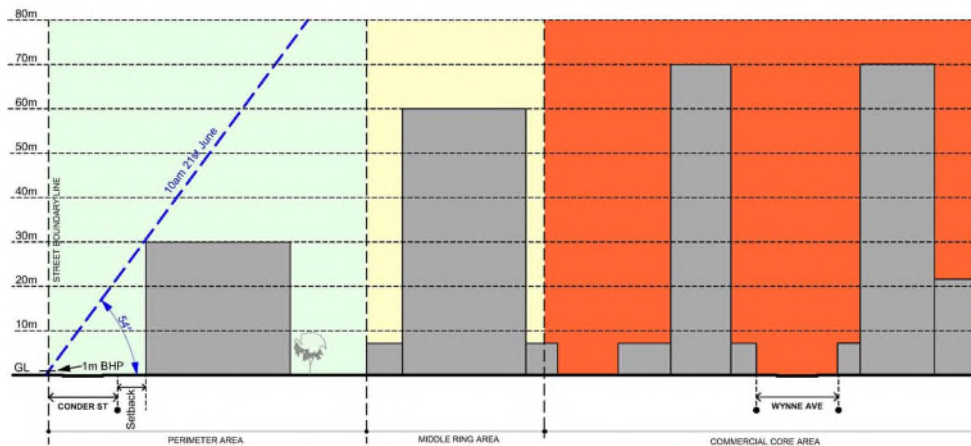


Figure 18. Building Height Plane Diagram Showing the Location of Section Plans

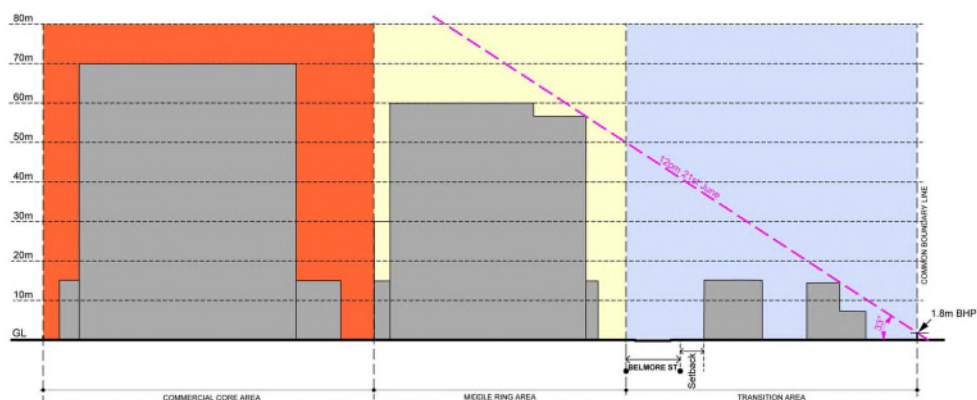
## BUILDING HEIGHT PLANE GUIDELINE PERPENDICULAR TO CONDER ST & WYNNE AVE



### WESTERN BUILDING HEIGHT PLANE - 10am at 54° SECTION A:A

Figure 19. Building Height Plane Section A:A

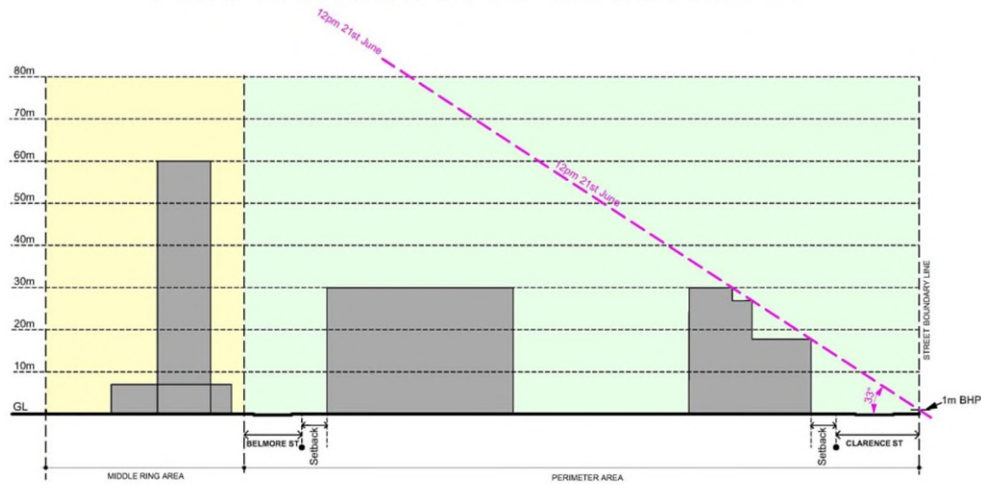
## BUILDING HEIGHT PLANE GUIDELINE PERPENDICULAR TO BELMORE ST



### SOUTHERN BUILDING HEIGHT PLANE - 12 NOON at 33° SECTION B:B

Figure 20. Building Height Plane Section B:B

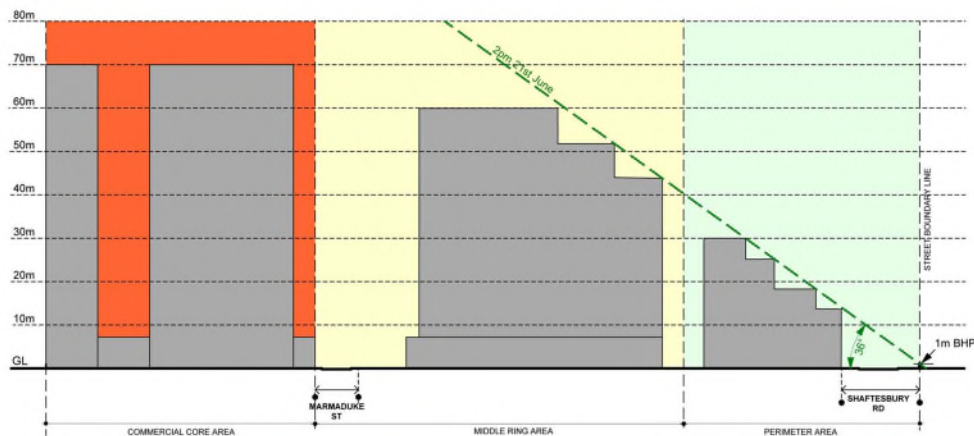
## BUILDING HEIGHT PLANE GUIDELINE PERPENDICULAR TO CLARENCE ST



## SOUTHERN BUILDING HEIGHT PLANE - 12 NOON at 33° SECTION C:C

Figure 21. Building Height Plane Section C: C

## BUILDING HEIGHT PLANE GUIDELINE PERPENDICULAR TO SHAFTESBURY RD



## EASTERN BUILDING HEIGHT PLANE - 2 pm at 36° SECTION D:D

Figure 22. Building Height Plane Section D: D



- P4** For the purpose of providing additional guidance, a BHP is to be calculated in accordance with the following formula:

$$H = V + (D \times \tan a)$$

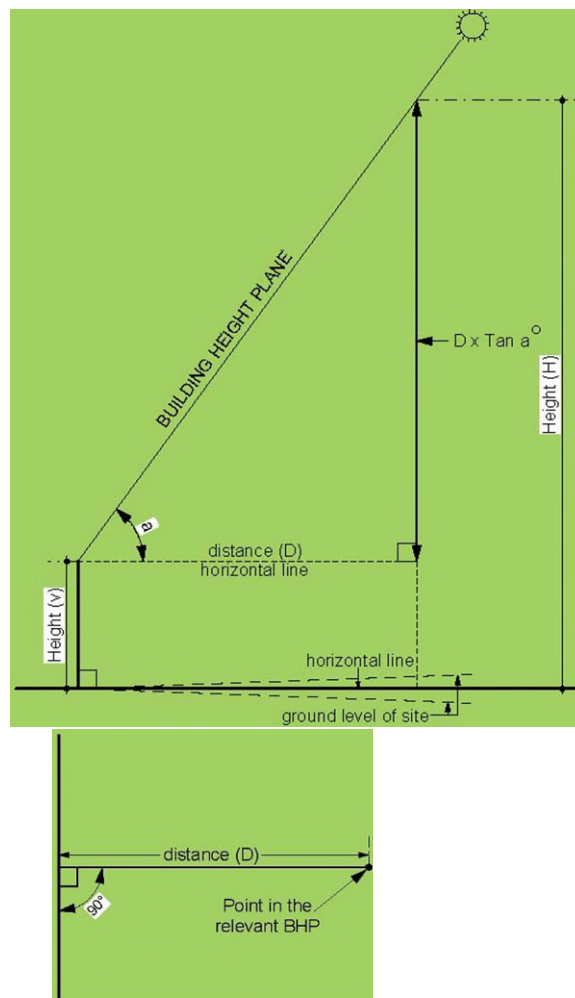
**H** is the height measured in metres of a point in a BHP.

**V** is the height, specified in the BHP particulars table in P3 for the relevant BHP and measured in metres above ground level, at the street alignment or property boundary.

**D** is the horizontal distance, from the point in the BHP to the BHP line, measured in metres and being perpendicular to the BHP line, specified in the BHP particulars table in P3 for the relevant BHP.

**a** is the vertical angle in degrees specified in the BHP particulars table in P3, corresponding to the distance D for the relevant BHP.

The following diagrams illustrate how the formula applies:



**Figure 23. Building Height Plane Diagrams**

**Advisory Note:**

The BHP formula calculates the height to a point on the BHP from a point horizontal with ground level at the street alignment. For sites with ground levels different to the street alignment ground level, the difference should be taken into account by the user to determine the height of a point in the BHP vertically above the ground.



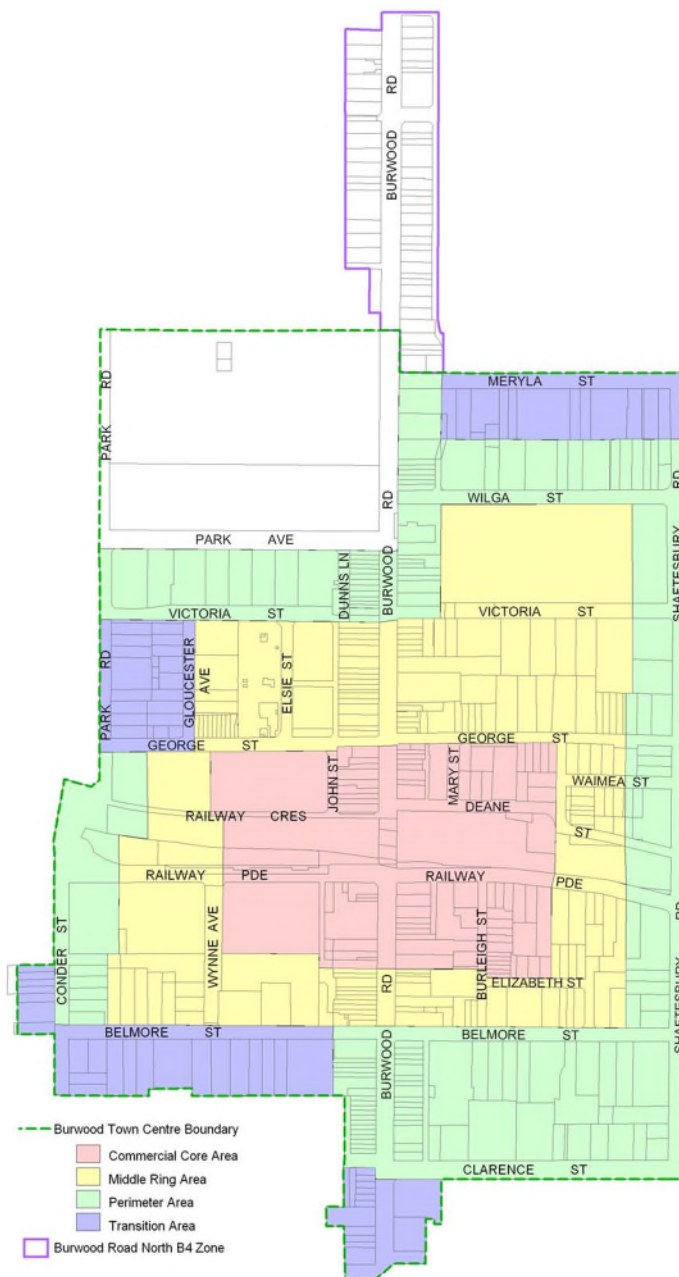
### 3.3.2 Burwood Town Centre Areas

#### Overview

The BTC is divided into Areas known as the Commercial Core, Middle Ring, Perimeter and Transition Areas. These are shown in **Figure 24** - Burwood Town Centre Areas map.

For each of the four Areas, this section provides more detailed controls that aim to achieve the desired urban form in each area consistent with the development standards in the BLEP 2012.

Burwood Road is the main street in the BTC. It has a distinct role and current and future built form, and is subject to specific building controls.



**Figure 24. BTC Area Map Together with the Burwood Road North Area**

## **Commercial Core and Middle Ring Areas**

### **Overview**

The Commercial Core and Middle Ring Areas are the inner parts of the BTC. It is envisaged that much of the commercial and retail development will be concentrated in these Areas. Residential development is also anticipated to the extent permitted under Clause 4.4A which imposes a maximum residential floor space ratio.

### **Podium Height**

#### **Objectives**

- O1** To develop human-scale street environments.
- O2** To facilitate higher density development while maintaining the existing character of street development fronting Burwood Road.

#### **Provisions**

- P1** Development in the Commercial Core and Middle Ring Areas built to the street front must not have a podium height greater than 15 metres.

#### *Burwood Road*

- P2** Development along Burwood Road built to the street front must not be greater than 13 metres in height.
- P3** Street front development along Burwood Road must enhance the existing streetscape and be of a similar scale, form, bulk, placement and character to adjoining and nearby street front development.

### **Street Front Setbacks**

#### **Objectives**

- O1** To develop and create a strong definition of streets and public spaces.
- O2** To ensure that the built form assists in forming the character of the public urban space.
- O3** To provide wider footpaths and improved pedestrian access at identified streets.

#### **Provisions**

- P1** Development must be built to the street front boundary except where a minimum of 3 metre, 6 metre or 8 metre setback is required as indicated in **Figure 25**. These measurements are taken from the street boundary after any land acquisition required by BLEP 2012 has been completed.
- P2** Setback areas must be free of any projections or encroachments, except for approved awnings (provided in accordance with Section 3.2.19 of this DCP) and at-grade landscaping.
- P3** All ground level setbacks are to be finished at-grade with Council's footpath and finished with materials to match Council's current public domain requirements.

### Burwood Road

- P4** Development on Burwood Road must be built to the street front boundary.
- P5** All development on Burwood Road that is located on a corner site must be built to the street front boundary as set out in **Figure 25**.



**Figure 25. Commercial Core and Middle Ring Areas: Street front setbacks**

## Secondary Setbacks

### Objectives

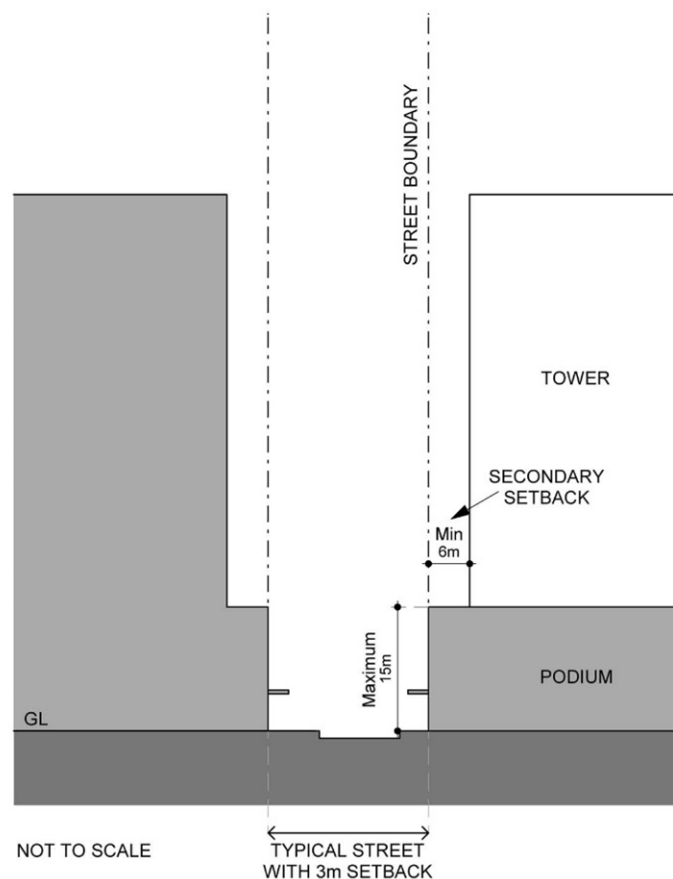
- O1** To establish the spatial proportions and enhance the urban qualities of the street.

### Provisions

- P1** Where development in the Commercial Core and Middle Ring Areas exceed 15 metres in height, the part of the development above 15 metres must be set back a minimum of 6 metres from the street front boundary, unless otherwise specified in P3 and **Figure 28**Figure 26. Refer to **Figure 26** and **Figure 27**.
- P2** Setback areas must be free of any projections or encroachments.

### *Burwood Road*

- P3** Where development along Burwood Road exceeds 13 metres in height, the part of the development above 13 metres must be set back a minimum of 8 metres from the street front boundary. Refer to Figure 5(a).



**Figure 26. Commercial Core and Middle Ring Areas: Typical Secondary Setbacks**

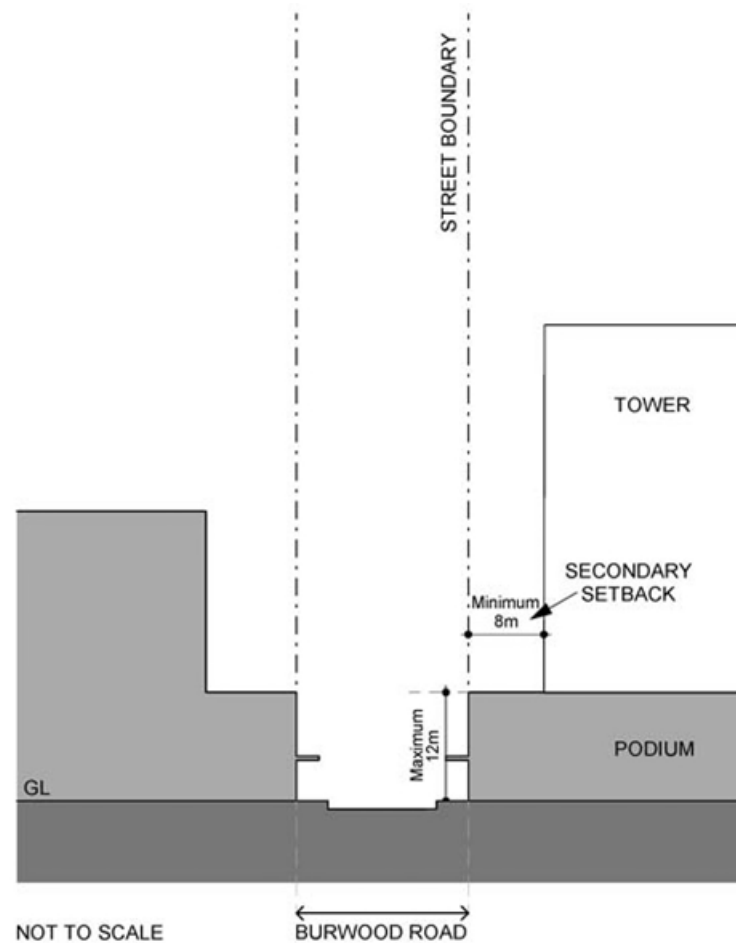


Figure 27. Burwood Road: Burwood Road Secondary Setbacks – Section Diagram





Figure 28. Commercial Core and Middle Ring Areas: Secondary Setbacks

## Side and Rear Setbacks

### Objectives

- 01** To define the urban form of development in the Commercial Core and Middle Ring Areas.

### Provisions

- P1** For residential development refer to the building separation setback provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Flat Development.
- P2** Other street front development up to 15 metres in height must be built to the side boundary and may be built to the rear boundary. Refer to **Figure 29**.

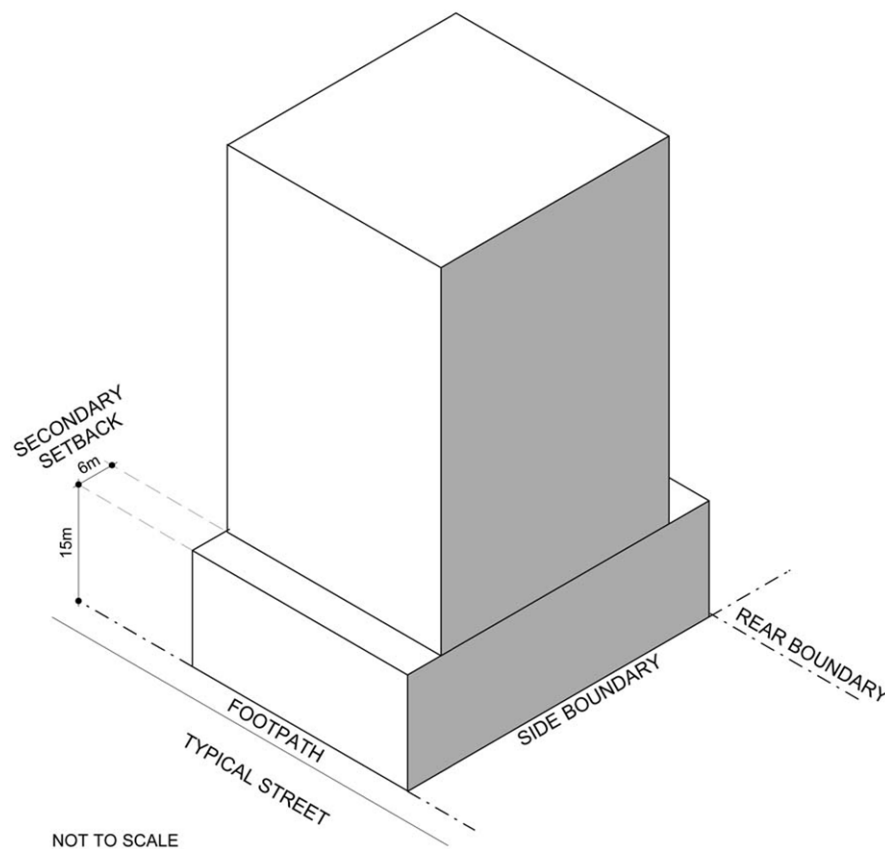


Figure 29. Commercial Core and Middle Ring Area: Typical Midblock Development Setbacks

## Building Separation/Frontage Overview

### Overview

Building separation provides appropriate levels of amenity for the private and public domain.

### Objectives

- 01** To ensure that development has appropriate massing and spacing between buildings and frontage to any building.

- O2** To assist in achieving acceptable levels of visual and acoustic privacy.
- O3** To ensure distant views and vistas are achieved.

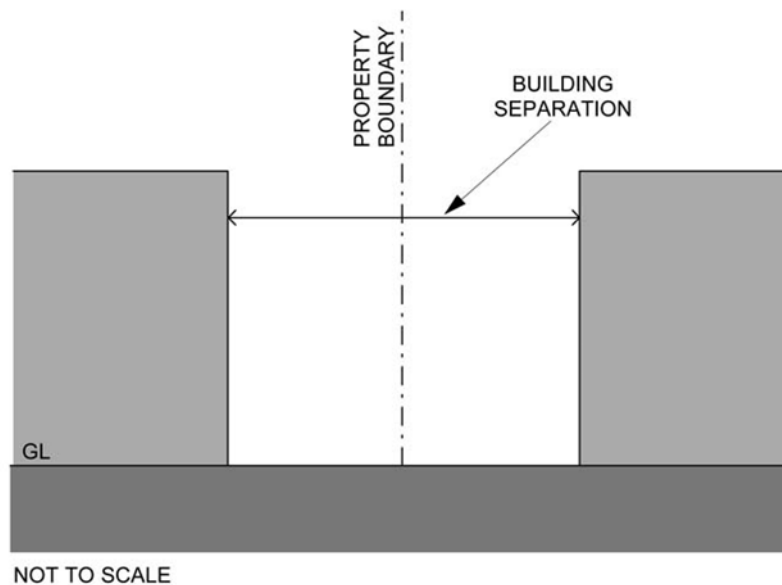
### Provisions

- P1** For all development refer to the building separation provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Flat Development.

**Advisory Note:**

The same rules apply to residential and non-residential development in terms of building separation.

- P2** The building separation requirements established under P1 must be shared equally with adjoining development across a boundary (refer to **Figure 30**). The applicant must demonstrate that daylight access, urban form, open space and visual and acoustic privacy can be satisfactorily achieved.
- P3** The maximum length in any direction of any part of a building parallel to the street above 15 metres in height is 45m (refer to **Figure 31**). This portion of the building must be suitably articulated to alleviate building mass and improve building appearance.



**Figure 30. Separation between Buildings across a Property Boundary**

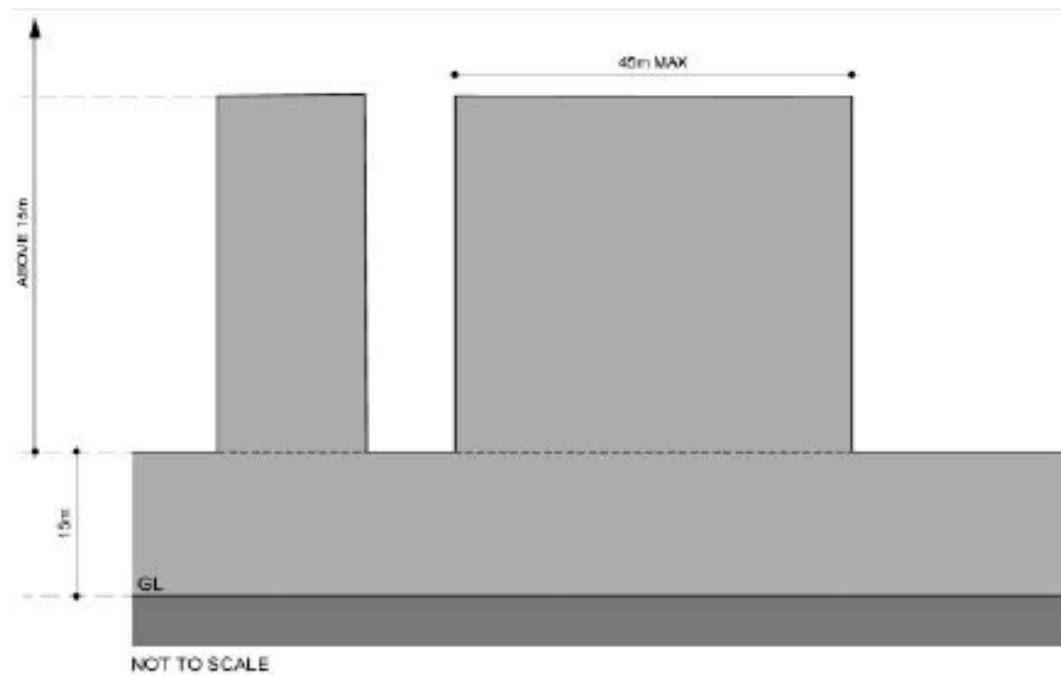


Figure 31. Separation between Buildings on the Same Site – Section Diagram

## Communal Open Space

### Objectives

- O1** To provide communal passive and active recreational opportunities.
- O2** To provide communal open space that facilitates soft landscaping.
- O3** To ensure that communal open space is consolidated, configured and designed to be usable and attractive.

### Provisions

#### Podium Areas

- P1** Podium areas must be made accessible as communal open space.
- P2** Landscaping must be provided in communal open space. A minimum 0.6 metre soil depth must be provided over 50% of the area to support planting or soft landscaping.

#### Roof Tops

- P3** Accessible communal open space may be provided on roof tops of development.
- P4** The design of roof top communal open space must also have regard to its visual and acoustic impact and effects of wind.
- P5** For residential development refer to the communal open space provisions of the ADG which supplements SEPP 65 – Design Quality of Residential Flat Development.

**Advisory Note:** Any opportunity for rooftop gardens or landscaping is encouraged to add to residential and visual amenity. Designs should encourage “greener” rooftops that incorporate planting, while minimising concrete and expanses of hard surfaces. Section 3.2.3 requires at least 50% of the rooftop area to be vegetated.

## Perimeter and Transition Areas

### Overview

The Perimeter and Transition Areas are located around the boundary of the BTC. Residential development is expected to predominate in these Areas as it is not restricted.

### Street Front Setbacks

#### Objectives

- O1** To improve the quality of the public domain.
- O2** To invigorate the street front to provide the opportunity for commercial development at ground level.
- O3** To develop appropriate street edge setbacks for development in the Perimeter and Transition Areas, which reflect the established setbacks throughout these Areas as well as have regard for the desired future character for the Areas.

#### Provisions

- P1** Development must be built in accordance with the street front setback requirements shown in **Figure 32**. Building setbacks from the street front are taken from the street boundary after any land acquisition required by BLEP 2012 has been completed.

#### *Burwood Road*

- P2** Development on Burwood Road must be built to the street front boundary.
- P3** All development on Burwood Road that is located on a corner site must be built to the street as set out in **Figure 32**.
- P4** Development must have a setback from the street front boundary on the east side of Conder Street extending from Railway Parade to Belmore Street that is consistent with Item 47 in Schedule 5 and the Heritage Map of BLEP 2012, being the former Burwood Council Office building (1887 building only).
- P5** Development must have the setback required as shown in **Figure 32** for all other streets.

Building setbacks of 0-6m from the street front are taken from the street front boundary after any land acquisition required by BLEP 2012 has been completed.

- P6** Setback areas must be free of any projections or encroachments, except for approved awnings (provided in accordance with Section 3.2.19 of this DCP) and at grade landscaping.





Figure 32. Perimeter and Transition Areas: Street Front Setbacks

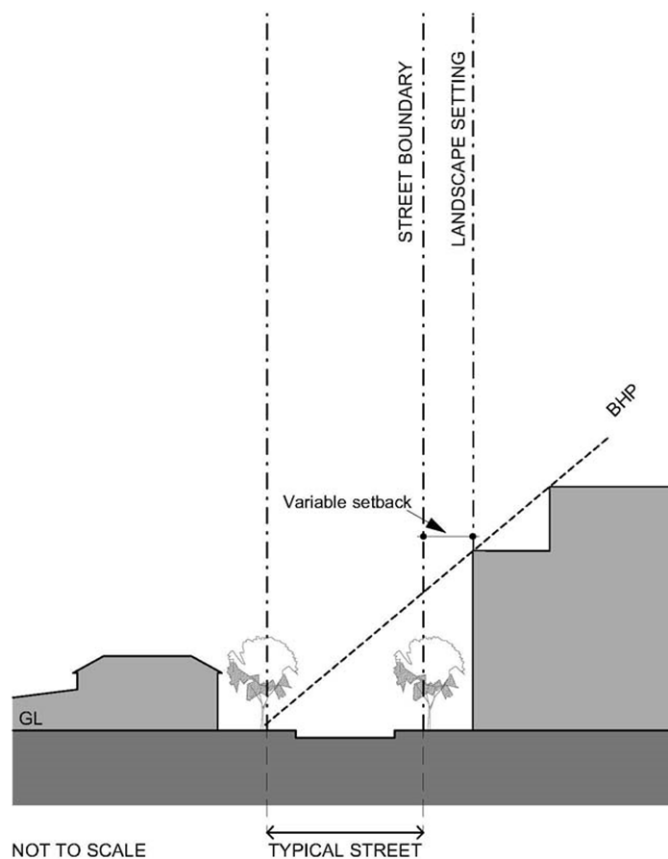


Figure 33. Perimeter and Transition Areas: Typical Street Front Setbacks

## Secondary Setbacks

### Objectives

- O1** To facilitate higher density development while maintaining the existing character of street development fronting Burwood Road.

### Provisions

#### *Burwood Road*

- P1** Development along Burwood Road built to the street front must not be greater than 13 metres in height. Where development exceeds 13 metres in height, the part of the development above 13 metres must be setback a minimum of 8m from the street front boundary in Burwood Road, and a minimum of 6m from the street boundary in side streets (except for Railway Parade). Refer to **Figure 34**.
- P2** Street front development along Burwood Road must enhance the existing streetscape and be of a similar scale, form, bulk, placement and character to adjoining and nearby street front development.



Figure 34. Burwood Road: Secondary Setbacks Diagram

## Side and Rear Setbacks

### Objectives

- O1** To minimise the amenity impact of development on adjoining properties.

### Provisions

- P1** For residential development refer to the side and rear setbacks provisions of the ADG which supplements SEPP 65 – Design Quality of Residential Flat Development.

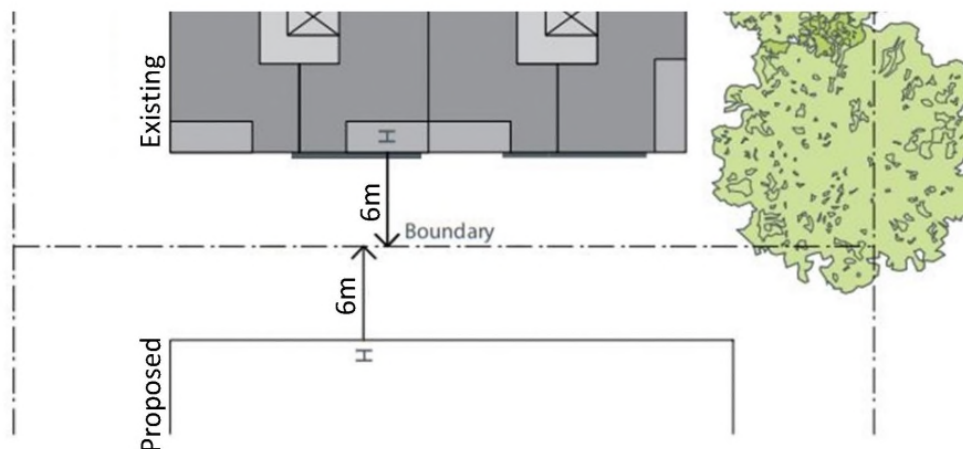
## Building Separation

### Objectives

- O1** To ensure appropriate amenity of developments.

### Provisions

- P1** For all development refer to the building separation provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Flat Development.
- P2** The setbacks as set out in P1 must be shared equally with the adjoining development. The applicant must demonstrate that daylight access urban form, open space and visual and acoustic privacy can be satisfactorily achieved. Where agreement cannot be reached between the property owners, the separation distance should be distributed equally between the two properties.



Separation distance is to be shared equally across boundary lines

Figure 35. Separation distances

## Communal Open Space

### Objectives

- O1** To provide communal passive and active recreational opportunities.
- O2** To provide communal open space to facilitate soft landscaping wherever possible.
- O3** To ensure that communal open space is consolidated, configured and designed to be usable and attractive.

**O4** To provide a pleasant outlook and contribute to privacy between buildings.

**Provisions**

- P1** The street front setback areas must be provided as communal open space, except for circumstances referred to in Section 3.8.2 Treatment of Street front Setbacks.
- P2** Where the ground floor uses are commercial, fencing of the street front setback is prohibited.
- P3** Where ground floor uses are residential, the street front setback area may be secured, however the setback is to remain a communal space with only one perimeter fence, and must not to be further divided.
- P4** Existing mature trees must be retained wherever possible.
- P5** Where existing trees are removed, they must be replaced at a ratio of two new trees for each tree removed.
- P6** At least 50% of the street front setback areas must be provided as planting or soft landscaping.
- P7** Canopy trees must be provided at the rate of 1 per 30 sq metres of landscaped area provided within the street front setback area.
- P8** Development which requires a minimum 6 metre setback from the street front boundary, in a landscaped front setting, are to provide deep soil zones and provide trees planted as selected from Council's Street Tree Management Strategy (STMS).
- P9** Development which requires a setback from the street front boundary, in a landscaped front setting, that is less than 6 metres, are to plant trees from the following list:
- *Callistemon viminalis* 'Hannah Ray'.
  - *Callistemon* 'Kings Park Special'.
  - *Callistemon citrinus*.
  - *Buckinghamia celsissima*.
  - *Bauhinia variegata*.
  - *Albizia julibrissin*.
  - *Backhousia citriodora*.
  - *Lagerstroemia indica*.
  - *Leptospermum petersonii*.
  - *Gordonia axillaris*.
  - *Melaleuca* 'Revolution Green'.
  - *Tristanopsis laurina*.
  - *Photinia x fraseri*.
  - *Tibouchina grandulosa* 'Alstonville'.



*Burwood Road*

- P10** Podium areas must be made accessible as communal open space.
- P11** Accessible communal open space may be provided on roof tops of development
- P12** The design of roof top communal open space must also have regard to its visual and acoustic impact and the effects of wind.

<p><b>Advisory Note:</b> Any opportunity for rooftop gardens or landscaping is encouraged to add to residential and visual amenity. Designs should encourage “greener” rooftops that incorporate planting, while minimising concrete and expanses of hard surfaces. Section 3.2.3 requires at least 50% of the rooftop area to be vegetated.</p>
--

### 3.3.3 Area Based Controls - Burwood Road North

#### Overview

This section applies to the Burwood Road North area shown on the map in **Figure 16**. This area is expected to develop with a mix of land uses including commercial fronting Burwood Road and residential accommodation. It will have a similar character to other areas of the BTC with Burwood Road frontage and where Perimeter Area development standards apply.

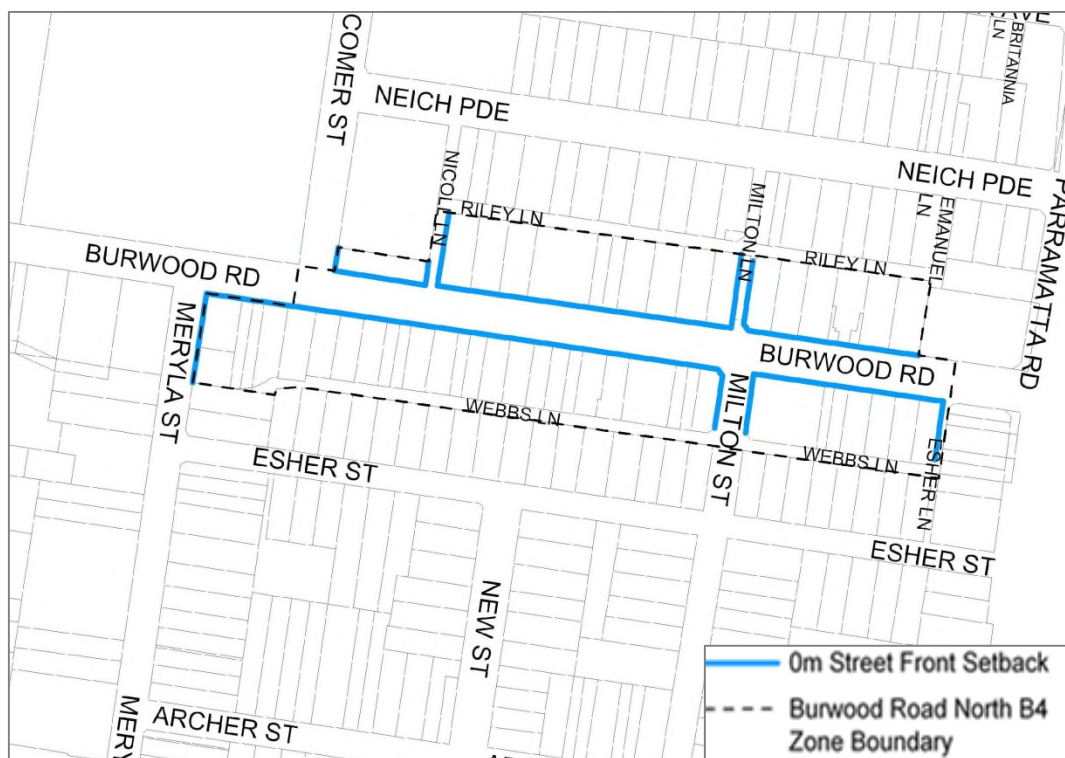
#### Street Front Setbacks

#### Objectives

- O1** To improve the quality of the public domain.
- O2** To invigorate the street front to provide the opportunity for commercial development at ground level.

#### Provisions

- P1** All development must be built to the street front boundary of Burwood Road and any side street (**Figure 36**).



**Figure 36. Burwood Road North: Street Front Setback**

## Secondary Setbacks

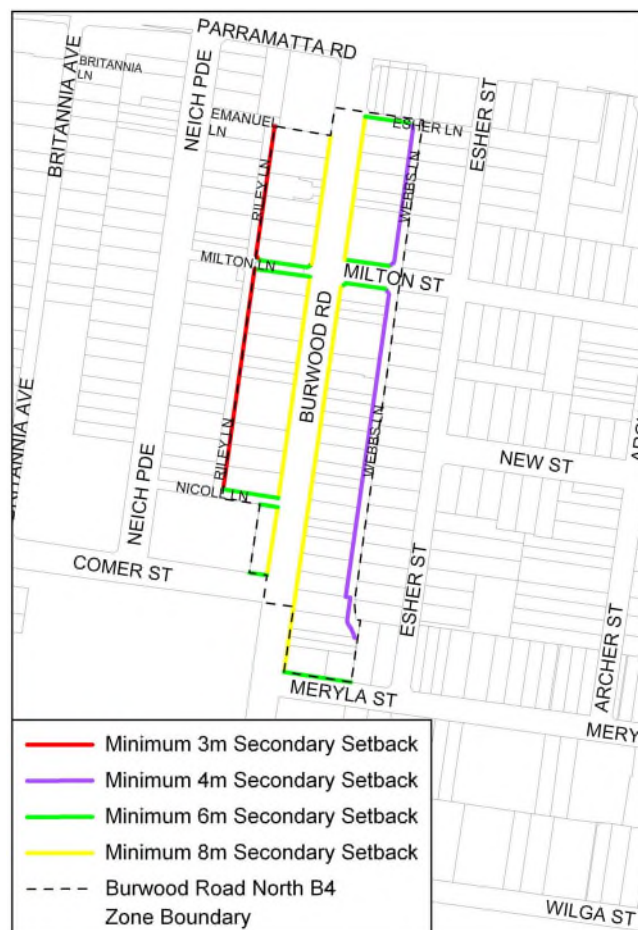
### Objectives

- O1** To facilitate higher density development while maintaining the existing character of street development fronting Burwood Road.

### Provisions

#### *Burwood Road*

- P1** Development along Burwood Road built to the street front must not be greater than 13 metres in height. Where development exceeds 13 metres in height, the part of the development above 13 metres must be setback a minimum of 8m from the street front boundary in Burwood Road, and a minimum of 6m from the street boundary in side streets (**Figure 37**).
- P2** Street front development along Burwood Road must enhance the existing streetscape and be of a similar scale, form, bulk, placement and character to street front development in Burwood Road.
- P3** Setback areas must be free of any projections or encroachments.



**Figure 37. Burwood Road North: Secondary, Side and Rear Setbacks**

## **Side and Rear Setbacks**

### **Objectives**

- O1** To minimise the amenity impact of development on adjoining properties in residential zones to the east and west.

### **Provisions**

- P1** Buildings at the rear of properties fronting Burwood Road may be built to the street front of Riley Lane or Webbs Lane to a maximum height of 13 metres. Any part of a building above 13 metres is to be setback a minimum of 3 metres from Riley Lane and 4 metres from Webbs Lane (**Figure 37**).
- P2** All development is required to have regard to the side and rear setbacks provisions of the ADG which supplements SEPP 65 – Design Quality of Residential Apartment Development.
- P3** Setback areas must be free of any projections or encroachments, except for at-grade landscaping.

### **Other Provisions**

In the Burwood Road North area the requirements for building separation and communal open space are the same as those applying to the Perimeter and Transition Areas of the BTC.

#### *Special perimeter and transition areas*

- P1** Secondary setbacks above 15m street wall height to be minimum 6m.
- P2** Projections, encroachments or lightweight balconies must not penetrate the secondary setback.

### 3.4 Area Based Controls – Strathfield Town Centre

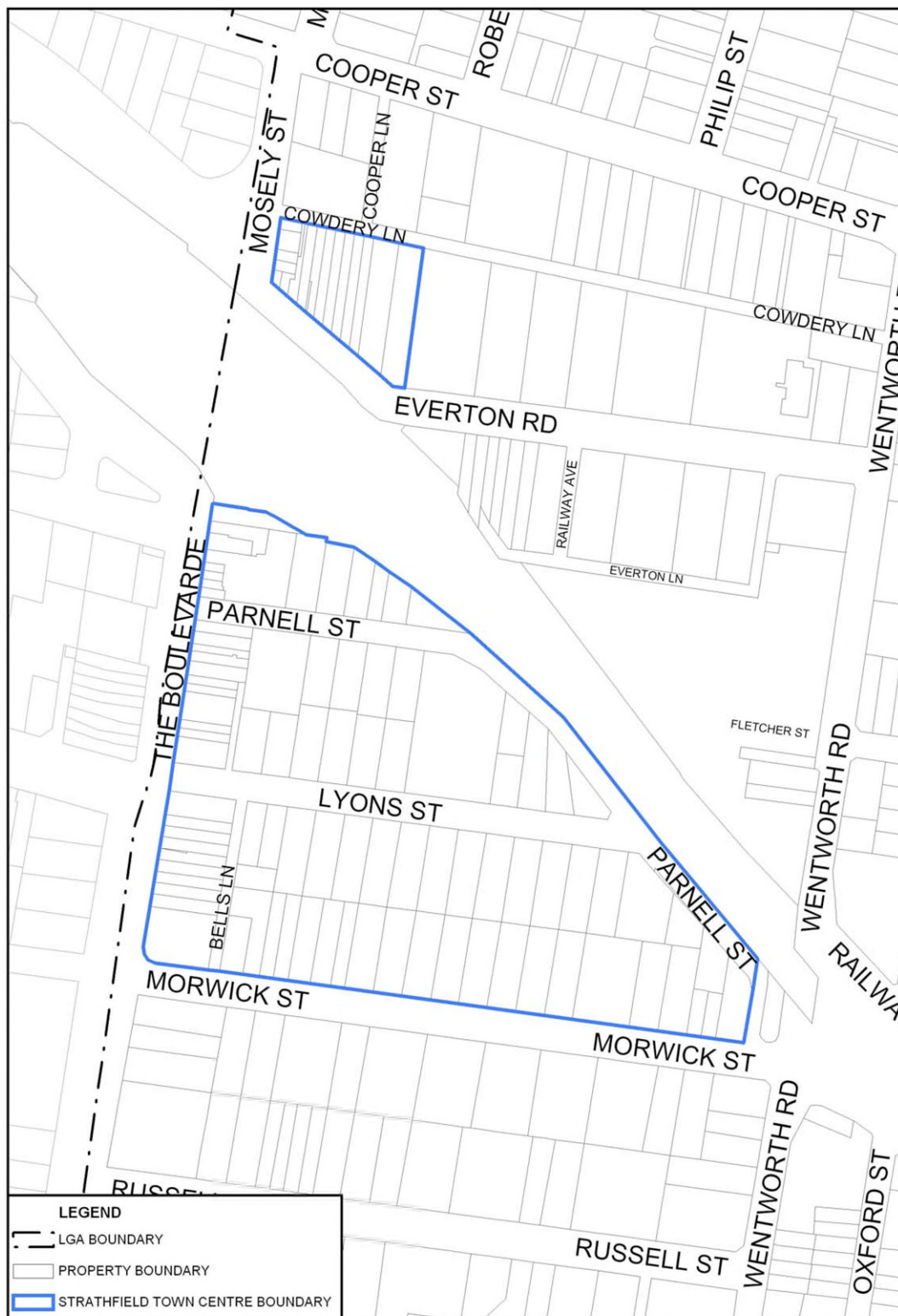


Figure 38. Area of Strathfield Town Centre in Burwood LGA



### **3.4.1 Overview**

Strathfield Town Centre (STC) has developed in close proximity to and mostly to the south of the Strathfield Railway Station. The Centre is divided by the railway line and the north-south boundary of the LGAs of Burwood and Strathfield. The section of the STC within the Burwood LGA is outlined in **Figure 38**. Historically it has served a perimeter role in the whole Centre.

The BLEP 2012 substantially enlarges the STC in the Burwood LGA under a B4 Mixed Use zone. The Strathfield Sports Club is a substantial land use that functions within the enlarged STC area.

### **3.4.2 Desired Future Character**

The aims for the STC are:

To encourage vibrancy and a level of amenity reflecting the area's Town Centre status.

To provide for a built form that supports appropriate urban design outcomes.

To encourage a human-scale and active street level environment.

The B4 Mixed Use zone and the applicable development standards for the STC will facilitate evolution towards a higher density residential precinct that takes advantage of its location close to the rail station and bus hub. On land closer to The Boulevarde and the rail station, the maximum residential floor space ratio control is likely to support substantial growth in commercial floor space for services activities and local employment. Further to the east, land may be developed fully for residential purposes or include some commercial floor space, depending on developers' assessment of market demand. Setback requirements and maximum podium heights will aim to encourage a human-scale environment at street level in the area closer to the rail station, while larger landscaped setbacks are required on land in the eastern part of the Centre.

### **3.4.3 Specific Controls**

#### **Street Front Setbacks**

##### **Objectives**

- O1** To create a strong definition of streets and public spaces.
- O2** To ensure that the built form assists in establishing the character of the public urban space.
- O3** To improve the quality of the public domain and its consistency with existing street front development.
- O4** To invigorate the street front by facilitating commercial development at ground level.

##### **Provisions**

- P1** Development must comply with the street front setback required as shown in **Figure 39**.
- P2** All ground level setbacks are to be finished at-grade with the Council footpath and with materials to match Council's current public domain requirements.

- P3** Development at ground level must have an active street frontage (entrances, shop front, glazing) at the same general level as the footpath, and be accessible directly from the street.
- P4** The setback area must be free of projections or encroachments, except for approved awnings and at-grade landscaping.

### **Podium Height**

#### **Objectives**

- O1** To develop a human-scale and active street environment.
- O2** To facilitate higher density development while maintaining the existing character of street development.

#### **Provisions**

- P1** Development with a 0m street front setback as required in Section 3.4.3.1 P1 must not have a podium height greater than 11 metres (refer to **Figure 40**).
- P2** Development built to the street front must enhance the existing streetscape and be of a similar scale, form, bulk, placement and character to adjoining and nearby street front development.
- P3** Buildings on corner sites are to be articulated to address each street frontage and are to define prominent corners

### **Secondary Setbacks**

#### **Objectives**

- O1** To establish spatial proportions that enhance the urban qualities of the street.

#### **Provisions**

- P1** Where development exceeds 11 metres in height, the part of the development above 11 metres must be set back a minimum of 6 metres from the street front boundary (refer to **Figure 40** and **Figure 41**).
- P2** Setback areas must be free of any projections or encroachments.

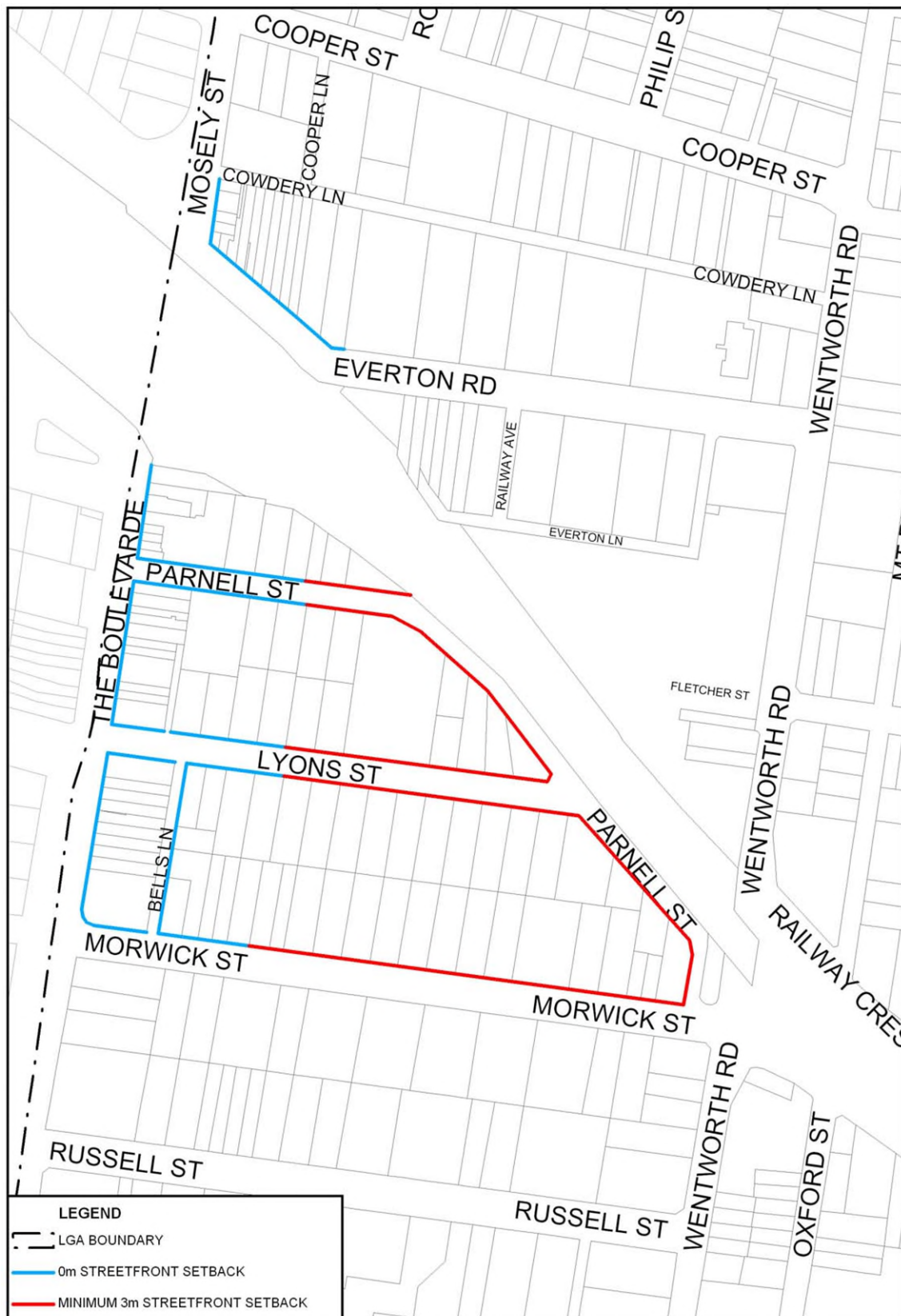


Figure 39. Street Front Setbacks in Strathfield Town Centre

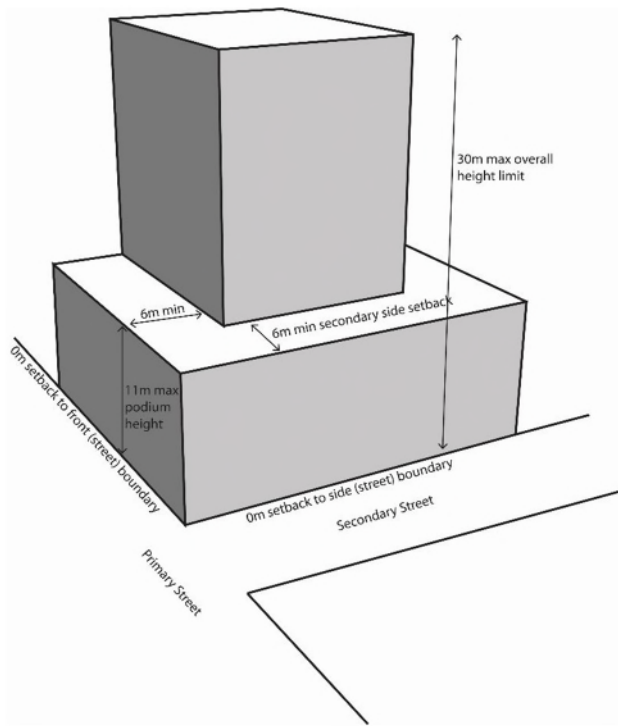


Figure 40. Height Limits and Setback Requirement Where 0m Street Front Setback Applies

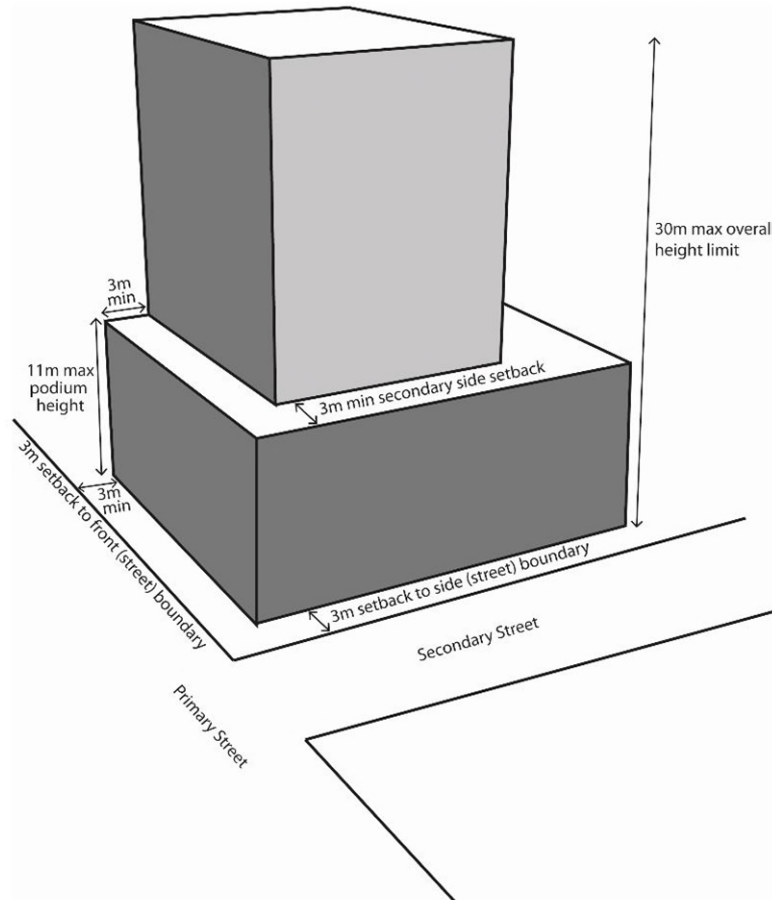


Figure 41. Height Limits and Setback Requirement Where 3m Minimum Street Front Setback Applies

## Side and Rear Setbacks

### Objectives

- 01** To define the urban form of development.
- 02** To minimise the amenity impact of development on adjoining properties.
- 03** To allow deep soil planting.

### Provisions

- P1** For residential development refer to the building separation setback provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Apartment Development.
- P2** Non-residential development up to 11 metres in height must be built to the side boundary and may be built to the rear boundary, whether or not there is a rear laneway.
- P3** Setback areas must be free of any projections or encroachments, except for at-grade landscaping.

## Building Separation/Frontage

### Overview

Building separation aims to improve the levels of amenity for the private and public domain.

### Objectives

- 01** To ensure that development has appropriate spacing between buildings and that limits are applied to the massing of buildings and the lengths of continuous facades.
- 02** To assist in achieving acceptable levels of visual and acoustic privacy.

### Provisions

- P1** For all development refer to the building separation provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Apartment Development.

#### Advisory Note:

The same rules apply to residential and non-residential development in terms of building separation and frontage.

- P2** The building separation requirements established under P1 must be shared equally with adjoining development across a boundary (Refer to **Figure 30**). The applicant must demonstrate that daylight access, urban form, open space and visual and acoustic privacy can be satisfactorily achieved.
- P3** The maximum length in any direction of any part of a building more or less parallel to the street above 11 metres in height is 45m (refer to **Figure 31**). This portion of the building façade must be suitably articulated to alleviate building mass and improve building appearance.



## **Communal Open Space**

### **Objectives**

- O1** To provide communal passive and active recreational opportunities.
- O2** To provide communal open spaces that facilitate soft landscaping wherever possible.
- O3** To ensure that communal open space is consolidated, configured and designed to be usable and attractive, and is integrated into the streetscape where appropriate.
- O4** To provide a pleasant outlook and contribute to privacy between buildings.

### **Provisions**

- P1** The street front setback areas of developments must be provided as communal open space, except where a 0m street front setback is required (**Figure 39**)
- P2** Where a setback is provided and the ground floor uses are commercial, fencing of the street front setback is prohibited, and the setback areas must be integrated within the streetscape.
- P3** Where ground floor uses are residential, the street front setback area may be secured with a single perimeter fence. However the setback area is to remain as communal space for the development and must not to be further divided or allocated to a strata unit.
- P4** Where a setback is provided, existing mature trees must be retained wherever possible.
- P5** Where existing trees are removed, they must be replaced at a ratio of 2 new trees for each tree removed.
- P6** At least 50% of the street front setback areas must be provided as planting or soft landscaping.
- P7** Canopy trees must be provided at the rate of 1 per 30 sq metres of landscaped area provided within the street front setback area.
- P8** Development which requires a setback from the street front boundary, in a landscaped front setting, that is less than 6 metres, are to plant trees from the following list:
  - Callistemon viminalis 'Hannah Ray'
  - Callistemon 'Kings Park Special'
  - Callistemon citrinus
  - Buckinghamia celsissima
  - Bauhinia variegata
  - Albizia julibrissin
  - Backhousia citriodora
  - Lagerstroemia indica
  - Leptospermum petersonii
  - Gordonia axillaris
  - Melaleuca 'Revolution Green'
  - Tristaniopsis laurina
  - Photinia x fraseri

- Tibouchina grandulosa ‘Alstonville’

**P9** Development that provides a front set back area greater than 6 metres from the street front boundary and a rear setback of 4m is to include deep soil zones and provide trees planted as selected from Council’s Street Tree Management Strategy (STMS).

*Rooftops*

**P1** Accessible communal open space may be provided on rooftops of development.

**P2** The design of rooftop communal open space must have regard to its visual and acoustic impact and effects of wind, with suitable screening being provided

**P3** For residential development refer to the communal open space provisions of the ADG which supplements SEPP 65 – Design Quality of Residential Apartment Development.

**Advisory Note:**

Any opportunity for rooftop gardens or landscaping is encouraged to add to residential and visual amenity. Designs should encourage “greener” rooftops that incorporate planting, while minimising concrete and expanses of hard surfaces. Section 3.2.3 requires at least 50% of the rooftop area to be vegetated.

## **3.5 Area Based Controls – Local and Neighbourhood Centres**

### **Aims**

The aims of this DCP section are:

To support and maintain the important role that local centres play in providing retail and other services to the local community.

To support economic sustainability of the shops and businesses serving the local community, in particular the daily shopping needs of residents.

To provide for residential development in conjunction with shops and permitted commercial uses.

To help maintain and enhance the social character and liveability of the centres.

### **Local and Neighbourhood Centres**

#### **3.5.1 Croydon Park Local Centre**

##### **Overview**

The Croydon Park Local Centre (**Figure 42**) is characterised by retail and commercial uses within mostly traditional linear premises along Georges River Road between Brighton Street and Beaufort Street (approximately two blocks), divided by the public school that also fronts the main road. The mostly older terrace style premises are unified by the suspended awnings and the repetition of parapets and panel windows. The newer buildings generally are of a consistent scale.

##### **Desired Future Character**

The B2 Local Centre zone will continue and reinforce the existing character and role of the area. The applicable development standards will increase the development capacity while the maximum Residential FSR control will limit residential floor space within shop top housing to about 80% of that potentially available.

In this context, redevelopment within the Croydon Park Local Centre is likely to comprise infill floor space or new construction that optimises provision of shop top housing while ground floors of buildings will retain permitted commercial activities serving a local market but with some sub-regional functions.

Physically the ground floor uses and residents above will provide an active street character while the retention of continuous awnings and a maximum podium height of 9m will reinforce the pedestrian scale of the built form. A transition in building height and scale at the rear (north) of sites will minimise overshadowing and amenity issues for the adjoining lower density residential dwellings.

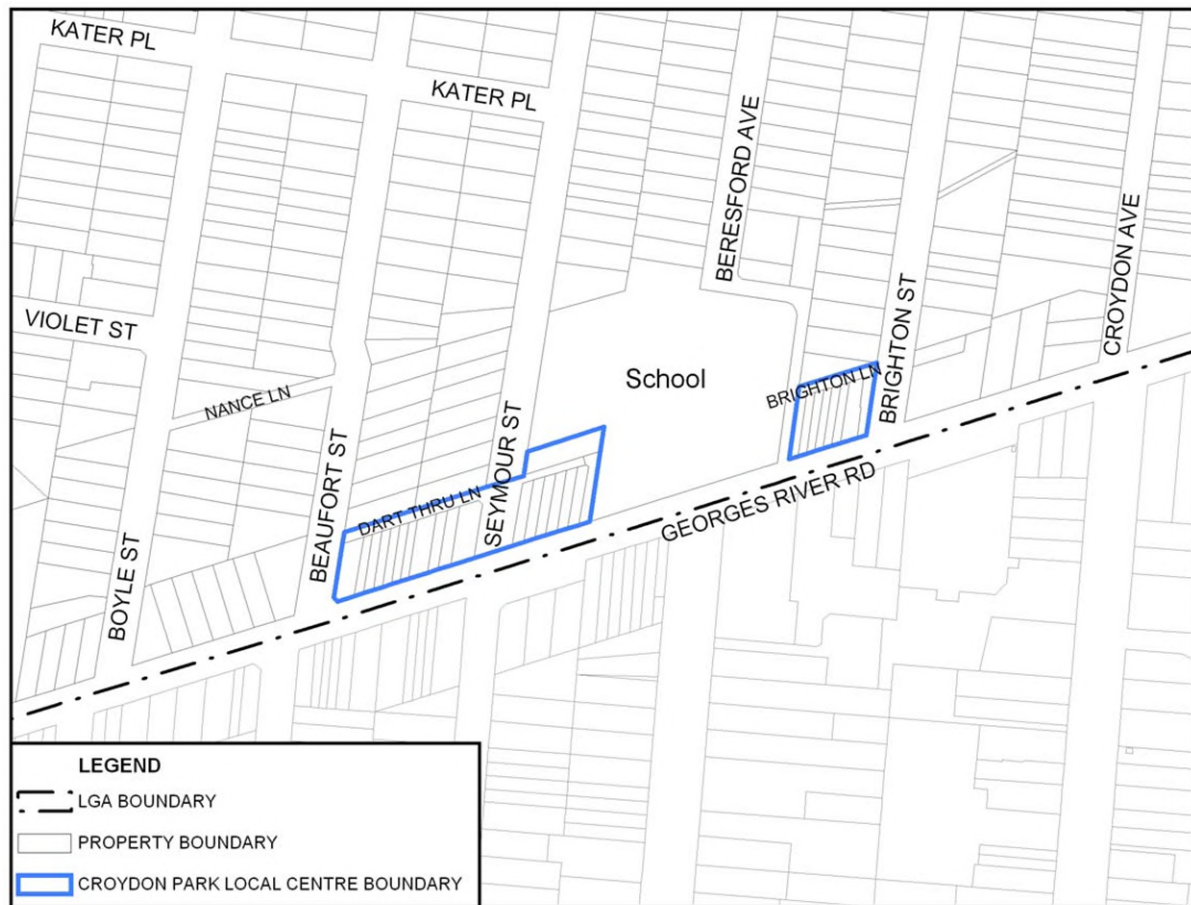


Figure 42. Croydon Park Local Centre

### 3.5.2 Enfield Local Centre

#### Overview

Enfield Local Centre (**Figure 43**) comprises the retail and commercial activities located along Liverpool Road from Burwood Road in the east and continuing onto Coronation Parade in the west.

Near the intersection of Liverpool Road and Coronation Parade/The Boulevard the centre comprises a mixture of traditional linear shops and newer buildings of a similar height and style. Around the intersection of Liverpool Road and Burwood Road the buildings include a mixture of traditional linear shops, older style residential flat buildings and newer commercial buildings as well as the cultural landmarks of the Royal Sheaf Hotel and the heritage listed St Joseph's Church.



Figure 43. Enfield Local Centre

### Desired Future Character

The B2 Local Centre zone and applicable developments standards will increase the floor space capacity overall while the maximum Residential FSR control will limit the residential floor space within shop top housing to about 88% of that potentially available on a development site.

In this context, redevelopment within the three areas that make up the Enfield Local Centre is likely to comprise new infill floor space or new construction that optimises provision of shop top housing where residents can take advantage of good public transport access and local services.

The land on the northern side of Liverpool Road between Burwood Road and Quandong Avenue that includes the Royal Sheaf Hotel site, is subject to lower development standards of 11m maximum building height and 1.5:1 FSR, in recognition of the historical development controls and the acknowledged heritage quality of the Hotel building and the Conservation Areas to the north and east.



## **Controls for Enfield and Croydon Park Local Centres**

### **Street Front Setbacks**

#### **Objectives**

- O1** To create a strong definition of streets and public spaces.
- O2** To ensure that the built form assists in establishing the character of the public urban space.
- O3** To improve the quality of the public domain and its consistency with existing street front development.
- O4** To invigorate the street front by facilitating commercial development at ground level.

#### **Provisions**

- P1** Development must be built to the street front boundary.
- P2** All development located on a corner site must be built to the street front boundary except the area required for any rear setback.
- P3** All ground level setbacks are to be finished at-grade with the Council footpath and finished with footpath materials to match Council's current public domain requirements.
- P4** Development at ground level must have an active street frontage (entrances, shop front, glazing) at the same general level as the footpath, and be accessible directly from the street.
- P5** The front setback area must be free of projections or encroachments, except for approved awnings and at-grade landscaping.

### **Podium Height**

#### **Objectives**

- O1** To develop a human-scale and active street environment.
- O2** To facilitate higher density development while maintaining the existing character of street

#### **Provisions**

- P1** Development built to the street along Georges River Road, Coronation Parade, Liverpool Road and Burwood Road must not have a podium height greater than 9m.
- P2** Street front development must enhance the existing streetscape and be of a similar scale, form, bulk, placement and character to adjoining and nearby street front development.
- P3** Buildings on corner sites are to be articulated to address each street frontage and are to define prominent corners.

## Secondary Setbacks

### Objectives

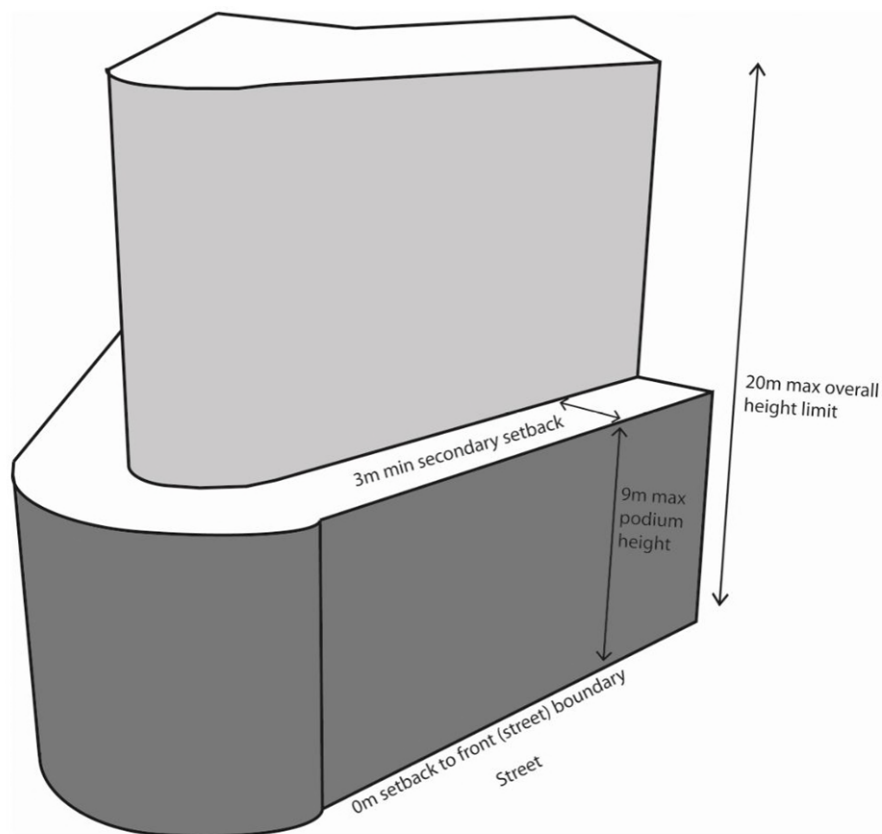
- O1** To establish the spatial proportions and enhance the urban qualities of the street.
- O2** To facilitate higher density development while maintaining the existing character of street development.

### Provisions

- P1** Where development exceeds 9m in height, the part of the development above 9m must be set back a minimum of 3m from the street front boundary.
- P2** Setback areas must be free of any projections or encroachments.

#### Advisory Note:

**Figure 44** shows street front and secondary setbacks and podium heights in the Croydon Park and Enfield Local Centres.



**Figure 44. Setbacks and Height Limits in the Enfield and Croydon Park Local Centres**

## Side and Rear Setbacks

### Objectives

- O1** To define the urban form of development.
- O2** To minimise the amenity impact of development on adjoining properties.

### Provisions

- P1** For the residential component of development (shop top housing) refer to the building separation setback provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Apartment Development.
- P2** Other development up to 9m in height must be built to the side boundary and setback 5m from a laneway or rear boundary with a lot zoned Residential.
- P3** In addition, where a lot adjoins a Residential zone containing residential development, buildings are not to exceed a 45 degree height plane projected over the site and commencing 1.8m above the rear or side boundary, or from the boundary of a laneway (where such exists) and an adjoining Residential zone containing residential development.
- P4** Where a new laneway is created, it can be used as part of the rear or side setback and for the application of P3.
- P5** Side and/or rear setbacks must be free of any projections or encroachments except for at-grade landscaping.

### Building Separation/Frontage

#### Objectives

- O1** To ensure that development has appropriate spacing between buildings and frontage to any building.
- O2** To assist in achieving acceptable levels of visual and acoustic privacy.

#### Provisions

- P1** For all development refer to the building separation provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Apartment Development.

#### Advisory Note:

The same rules apply to residential and non-residential developments in terms of frontage and building separation.

- P2** The building separation requirements established under P1 must be shared equally with adjoining development across a boundary (refer to **Figure 30**). The applicant must demonstrate that daylight access, urban form, open space and visual and acoustic privacy can be satisfactorily achieved.
- P3** The maximum length in any direction of any part of a building parallel to the street above 9m in height is 30m. This portion of the building must be suitably articulated to alleviate building mass and improve building appearance.

### Communal Open Space

#### Objectives

- O1** To provide communal passive and active recreational opportunities.
- O2** To provide communal open space to facilitate soft landscaping wherever possible.

- O3** To ensure that communal open space is consolidated, configured and designed to be usable and attractive.
- O4** To provide a pleasant outlook and contribute to privacy between buildings.

#### **Provisions**

- P1** Accessible communal open space may be provided on rooftops of development
- P2** The design of rooftop communal open space must have regard to its visual and acoustic impact and the effects of wind, with suitable screening being provided
- P3** For residential development refer to the communal open space provisions of the ADG which supplements SEPP 65 – Design Quality of Residential Apartment Development.

#### **Advisory Note:**

Any opportunity for rooftop gardens or landscaping is encouraged to add to residential and visual amenity. Designs should encourage “greener” rooftops that incorporate planting, while minimising concrete and expanses of hard surfaces. Section 3.2.3 requires at least 50% of the rooftop area to be vegetated.

### **3.5.3 Croydon Neighbourhood Centre**

#### **Overview**

The Croydon Neighbourhood Centre (**Figure 45**) is characterised by retail and commercial uses within traditional linear shops. In the main street block of The Strand, the wide road reserve with substantial median strip plantings creates a ‘boulevard’ feel. The high quality buildings in The Strand and surrounding areas including the heritage listed railway station are part of the Malvern Hill Heritage Conservation Area.

#### **Desired Future Character**

The BLEP 2012 through the B1 Neighbourhood Centre zone and development standards will continue the land use profile and built form of preceding years. The existing character, function and streetscape of the neighbourhood centre will be maintained through the conservation and enhancement of existing buildings, structures and works. Any further development is likely to be of a small infill nature primarily towards the rear of sites, particularly sites along The Strand that have rear lane access. Building details and finishes will be compatible with similar features and materials used in the existing building.

Notwithstanding the expectation of little change, the DCP includes more detailed provisions to cover the rare circumstances where the facades and street built form are the subject of redevelopment for example due to repair or replacement due to damage.



Figure 45. Croydon Neighbourhood Centre

## Controls for Croydon Neighbourhood Centre

### Building Form

#### Objectives

- O1** To maintain the character and streetscape of the area through the conservation and enhancement of existing buildings, structures and work.
- O2** To facilitate infill development while maintaining the existing character of the street.

#### Provisions

- P1** Development at the rear of sites should not be visible from The Strand and must complement the existing building.
- P2** Street front development will only be permitted in certain circumstances (repair, replacement) and must enhance the existing streetscape and be of a similar scale, grain, form, bulk, placement and character to adjoining and nearby street front development.
- P3** Continuous awnings that match the building design and are complementary to adjoining development must be provided.



## **Street Front Setbacks**

### **Objectives**

- O1** To develop and create a strong definition of streets and public spaces.
- O2** To ensure that the built form assists in forming the character of the public urban space.
- O3** To improve the quality of the public domain.
- O4** To invigorate the street front to provide the opportunity for commercial development at ground level, and where appropriate, above ground level.

### **Provisions**

- P1** Development must be built to the street front boundary on all primary streets (The Strand, Thomas Street, Malvern Avenue, Meta Street and Hennessey Street).
- P2** All development must be built to the side boundary.
- P3** All ground level development must be finished at-grade with the Council footpath and finished with materials to match Council's current public domain requirements.
- P4** No vehicle access will be permitted from the primary street frontage of The Strand.
- P5** Development at ground level must have an active street frontage (entrances, shop front, glazing) at the same general level as the footpath, and be accessible directly from the street.

## **Side and Rear Setbacks**

### **Objectives**

- O1** To define the urban form of development.
- O2** To minimise the amenity impact of development on adjoining properties.

### **Provisions**

- P1** All development must be built to the side boundary.
- P2** For rear setbacks, buildings are not to exceed a 45 degree height plane projected over the site and commencing 1.8m above the rear boundary of the lot where it adjoins a Residential zone containing residential development, or from the boundary of a rear laneway (where such exists) and an adjoining Residential zone containing residential development.
- P3** Side and/or rear setbacks must be free of any projections or encroachments except for at-grade landscaping.

### 3.6 Area Based Controls – Parramatta Road Enterprise Corridor

The Parramatta Road corridor is a linear urban strip from Broadway in Sydney City to Church Street in Parramatta. The State Government's Metropolitan Strategy documents highlight its role as an enterprise corridor and provide a basic framework for planning by the local authorities, including:

Retail activity in the zone to focus on high exposure, affordable locations for activities that do not compete with strategic centres and provide a buffer to adjoining residential areas.

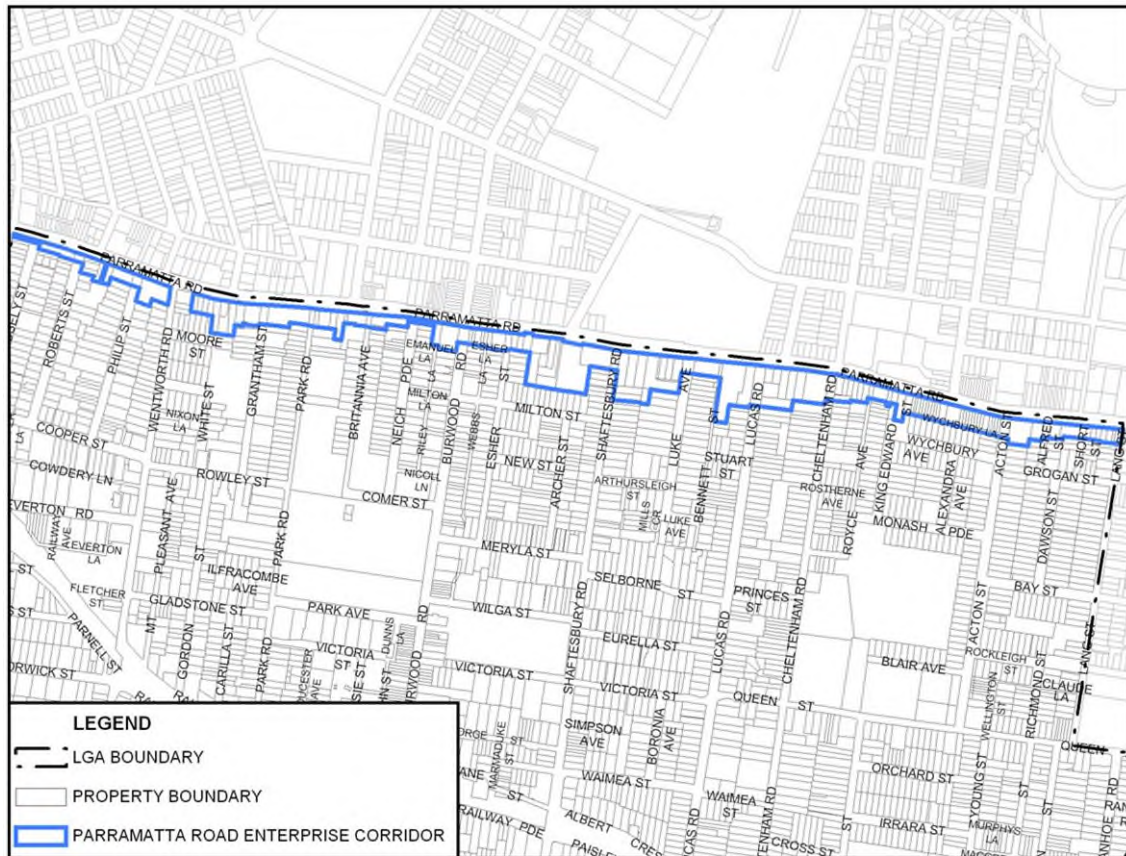
Residential development to be restricted due to the impacts of road noise and air pollution.

The southern side of Parramatta Road between Moseley Street Strathfield in the west and Lang Street Croydon in the east lies within the Burwood LGA. Land uses are characterised by a wide variety of retail, business and light industrial activities. Built forms vary from small scale street front shop buildings and light industries to former factory buildings, small and large scale vehicle sales establishments, bulky goods retailing, service stations and old-style residential flat buildings.

Burwood's section of the Parramatta Road corridor (**Figure 46**) is distinctive in comprising a thin strip of land mostly only one allotment deep. Traffic congestion, noise and air pollution impacts are high as currently Burwood's section lies within the existing arterial road gap, resulting in very high daily traffic flows.

#### **Desired Future Character**

The B6 Enterprise Corridor zone should continue the evolution of Burwood's section of the Parramatta Road corridor towards larger scale land uses that take advantage of the main road location while ensuring the impacts of activities are contained within the B6 zoned land. Over time the replacement activities are likely to include but are not limited to higher quality and larger scale vehicle sales premises, bulky goods and large footplate retailing, food and drink premises, some accommodation developments, and other service businesses. Buildings within the corridor will be of low-medium scale and higher design quality, and deal with access and parking on site. They will be encouraged to locate closer to and address the road (vehicle sales businesses will be a special case) while ensuring that direct impacts on adjoining residential property owners are minimised. Design and location, together with the mix of land uses should encourage a more active street frontage in the corridor.



**Figure 46. Parramatta Road Enterprise Corridor**

## Aims

The aims for this DCP section are:

- To support change and improvement in the character and quality of the corridor, its land uses, amenity and local environment.
- To ensure that the impacts of land uses are contained within the corridor with no or minimal overflow to adjoining residential areas.
- To provide appropriate protection through the design and location of buildings in the corridor to the amenity, solar access and privacy of adjoining low density residential land to the south.
- To encourage an active street character through building setbacks, location and design, the inclusion of residential development and the location of parking underground or behind buildings.

## Parramatta Road Street Front Setbacks

### Objectives

- O1** To establish the relationship of buildings to the street.
- O2** To encourage an active street character.
- O3** To provide space for landscaping and improve local amenity.

### **Provisions**

- P1** Location of buildings close to the Parramatta Road boundary at ground level is required. A maximum of 5m setback preferred, and part of the building may be built to the street front boundary for a maximum of 50% of the site width.
- P2** Setback areas must be free of any projections or encroachments from any building with the exception of approved awning structures including shade sails that provide weather and sun protection, and at-grade landscaping.
- P3** Setback areas must include landscaping that improves the amenity of the site and the street frontage, and paving that facilitates pedestrian access to activities on the site.
- P4** Use of setback areas for car parking is discouraged.
- P5** In the case of vehicle sale or hire premises only, the street front setback area may be used for the display of vehicles (but not customer car parking) provided high quality fencing, vehicular access and parking, and clear pedestrian access are included in the development.
- P6** Buildings on corner sites are to be articulated to address each street frontage and are to define prominent corners.

### **Parramatta Road Secondary Setbacks**

#### **Objectives**

- O1** To establish the relationship of buildings to the streets.
- O2** To enhance the urban quality of the streetscape.

#### **Provisions**

- P1** Where the building exceeds 9m in height that part of the building above 9m must be setback a minimum of 3m from the street front of Parramatta Road.
- P2** Secondary setbacks of buildings must be free of any projections or encroachments from any building.

### **Side Street Setbacks**

These provisions apply to sites that also have a frontage to a side street.

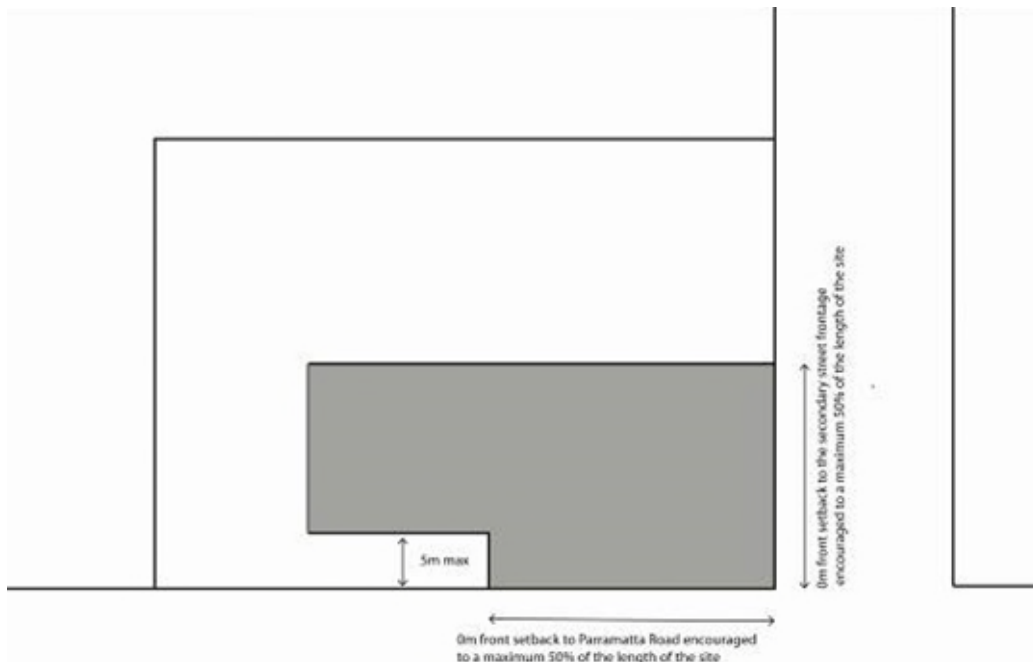
#### **Objectives**

- O1** To establish the relationship of buildings to the streets.
- O2** To enhance the urban quality of the streetscape.

#### **Provisions**

- P1** There is no minimum or maximum setback to a side street. Part of the building may be built to the street front boundary for a maximum of 50% of the frontage to the side street.

- P2** Where a building exceeds 8m in height on a side street frontage, that part of the building above 8m must have a secondary setback of a minimum of 3m from the side street boundary.
- P3** Setback areas at ground level must be free of any encroachment or projection from any building with the exception of approved awning structures including shade sails that provide weather and sun protection.
- P4** Setback areas must include landscaping that improves the amenity of the site and the street frontage, and paving that facilitates pedestrian access to activities on the site. Primary setback areas cannot be used for the provision of car parking.
- P5** In the case of vehicle sale or hire premises only, the side street primary setback area may be used for the display of vehicles provided high quality fencing, vehicular access and parking, and clear pedestrian access are included in the development.
- P6** Buildings on corner sites are to be articulated to address each street frontage and are to define prominent corners.



**Figure 47. Parramatta Road Street Front and Side Street Setbacks**

### Side and Rear Boundary Setbacks

These provisions apply to sites with boundaries that immediately adjoin another property or a laneway.

### Objectives

- O1** To define the urban form of development.
- O2** To limit building heights to facilitate adequate solar access to land adjoining the B6 zone.
- O3** To mitigate any adverse effects on the amenity of existing and future residents living adjacent to the B6 zone.

### **Provisions**

- P1** Buildings may be erected to the side boundary and must be erected to the side or rear boundary of a site that adjoins a residential zone, subject to P2 below.
- P2** For side and rear setbacks on boundaries adjoining a Residential zone, buildings are not to exceed a 45 degree height plane projected over the site and commencing 1.8m above the relevant site boundary.
- P3** For setbacks on boundaries separated from a Residential Zone by Wychbury Lane, Bennett Street, Esher Lane or Britannia Lane, buildings are not to exceed a 45 degree height plane projected over the site and commencing 1.8m above the relevant site boundary.

### **Building Separation/Frontage**

#### **Objective**

- O1** To assist in achieving adequate levels of natural light and visual and acoustic privacy for the residential component of development.

#### **Provisions**

- P1** Any part of a building comprising shop top housing as defined in the BLEP 2012 is to comply with the building separation provisions of the ADG that supplements SEPP 65 – Design Quality of Residential Apartment Development.
- P2** The maximum length in any direction of any part of a building parallel to the street above 9m in height is 30m. This portion of the building must be suitably articulated to alleviate building mass and improve building appearance.

### **Location and Design of Shop Top Housing**

#### **Objective**

- O1** To enhance the amenity of the residential component of development.

#### **Provisions**

- P1** The location of shop top housing within a development is to maximise views and vistas and reduce the risk of noise and air pollution for residents.
- P2** Measures such as double glazing of windows are encouraged to reduce the impact of noise on residents of shop top housing.



### 3.7 Area Based Controls – Cooper Street Precinct, Strathfield

#### Introduction

This section applies to development on properties outlined in **Figure 48**.

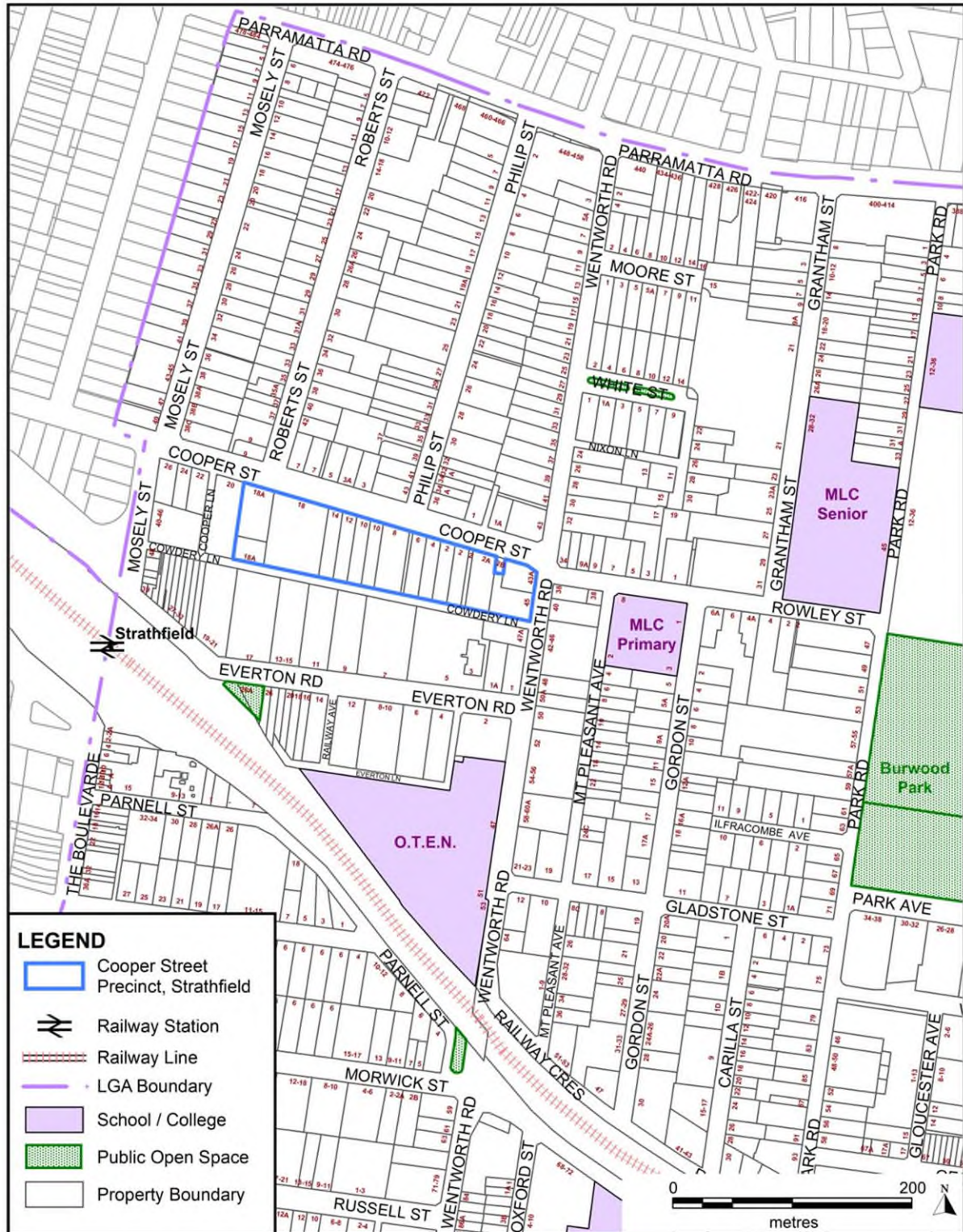


Figure 48. Cooper Street Precinct, Strathfield

## Overview

The Cooper Street Precinct, Strathfield is located in close proximity to a variety of local amenities including major metropolitan and intercity public transport nodes (Strathfield Station and various bus linkages) and local shopping and employment opportunities.

The precinct is:

- located 150 metres from Strathfield Railway Station
- less than a 400 metre walk from the Strathfield Town Centre
- close to education, health and recreation facilities
- within 5-minute walking distance of the Parramatta Road Corridor

The precinct was the subject of an applicant led Planning Proposal and the Department of Planning, Industry and Environment considered the site suitable for medium and high density development and approved the rezoning in 2019. The Cooper Street Precinct, Strathfield is situated in a locality with a level topography, which facilitates very walkable distances to a major transport node.

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Please refer to parts 4-8 of this DCP for guidelines relating to different forms of development and related design considerations and features. In addition, the following objectives and provisions relate specifically to the Cooper Street Precinct, Strathfield. Where provisions are duplicated in other parts of this DCP, the following provisions take precedence when applied to the subject Precinct.

### *Site Planning and Response to Character*

## Objectives

- O1** To encourage the efficient use of land.
- O2** To establish appropriate development controls that increase housing supply and diversity.
- O3** To balance increased density with heritage conservation values as a key consideration.
- O4** To promote 'human scale' and enhance the pedestrian environment of Cowdery Lane.

## Provisions

- P1** Any proposed development will need to preserve and enhance and not detract from the heritage and conservation values of the Heritage Conservation Area to the north of Cooper Street.
- P2** Proposed massing and overall built form will need to respond to the 'fine grain' character of the Heritage Conservation Area (HCA) to the north of Cooper Street.
- P3** Proposed massing and overall built form will need to be designed and articulated in a way that ensures a 'human scale' when visible from Cowdery Lane.
- P4** Development consent shall not be issued unless the applicant has clearly demonstrated that the proposal has considered and responded to:
  - the surrounding context of the precinct,
  - the area's contributory elements (physical and environmental).
  - the heritage values of the HCA to the north and surrounding heritage items

### *Height of Building and Floor Space Ratio*

**P1** The development standards in the BLEP 2012 apply.

### **Locality Specific Provisions**

#### *Site Coverage*

#### **Objectives**

- O1** To provide for adequate landscape and deep soil areas.
- O2** To adequately mitigate the effects of bulk, scale and overall massing.
- O3** To establish appropriate footprints and areas for basement and parking.

#### **Provisions**

- P1** The footprint of proposed buildings not to occupy more than 70% of the site.
- P2** The footprint of basement levels should stay within the outline of the building/s above ground and not protrude into any setbacks.

#### *Street Wall Heights*

#### **Objectives**

- O1** To ensure that the scale of the built form promotes a 'human scale' facing all frontages visible from the public domain.
- O2** To ensure an adequate 'sense of enclosure' and provide a high quality pedestrian experience along Cowdery Lane.

#### **Provisions**

- P1** The height of the built form behind the primary setback to Cooper Street shall comply with provision (3) (c) under Clause 6.6 of the BLEP 2012.
- P2** The height of the built form behind the primary setback to Cowdery Lane shall be no more than 10m inclusive of parapets.

#### *Setbacks*

#### **Objectives**

- O1** To ensure the street setback enhances the setting of the building, and that side and rear setbacks create usable land and maintain amenity between neighbouring sites.
- O2** To ensure that the built form improves the landscape character, encourages landscape screening and contributes to the landscape softening of Cooper Street, Cowdery Lane and areas adjacent to common boundaries.
- O3** To ensure deep soil areas contribute to the provision of mature planting and water filtration to all setbacks.

- O4** To ensure adequate separation distances to protect the curtilage and buildings of heritage items.

### **Provisions**

#### *Primary Setbacks*

- P1** Primary setback to Cooper Street shall comply with provision with provision (3) (a) under Clause 6.6 of the BLEP 2012.
- P2** Ground level setback to Cooper Street should be occupied by a combination of private courtyards and communal space. Private courtyards can occupy up to 3 metres from the building line with the reminding distance to the boundary maintained by the strata management to achieve a consistent treatment and upkeep.
- P2** Private court yards to be enclosed by fencing with openable gates. Fencing can have a solid base up 600 mm with picket / railing style fence with a minimum of 1.2 up to 1.5 metres inclusive of the base. If additional privacy is required above 1.5m, this can be achieved with the use of shrubs or hedging. Picket / railing style fencing must have at least 50% transparency.
- P3** Primary setback to Cowdery Lane shall comply with provision with provision (3) (b) under Clause 6.6 of the BLEP 2012.
- P4** The 3m setback facing Cowdery Lane can be occupied by a private courtyard up to 2m from the building façade and be enclosed by a picket / railing style fence up to 1.2 metre. The reminding distance between the kerb and the fence should be utilised as a deep landscaping planting to be maintained by the strata management.
- P5** Fences facing Cowdery Lane are to be permeable with a minimum of 40% with operable gates leading to private courtyards at ground level for activation and convenient rear access.

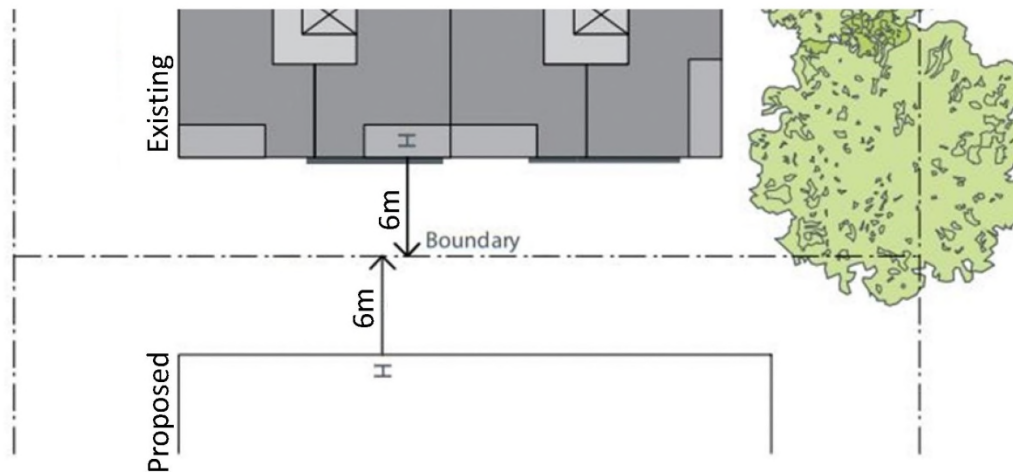
#### *Secondary Setbacks*

- P1** Secondary setback to Cooper Street above the street wall height shall comply with provision (3) (c) under Clause 6.6 of the BLEP 2012.
- P2** Secondary setback to Cowdery Lane above the street wall height shall be a minimum of 2m.

#### *Side Setbacks and Separation Distances*

- P1** Side setbacks and separation distances are to comply with the Apartment Design Guide design criteria 1 under Objective 3F-1.
- P2** Separation distances are to be shared equally by both properties to either side of the common boundary. Refer to **Figure 49** below.

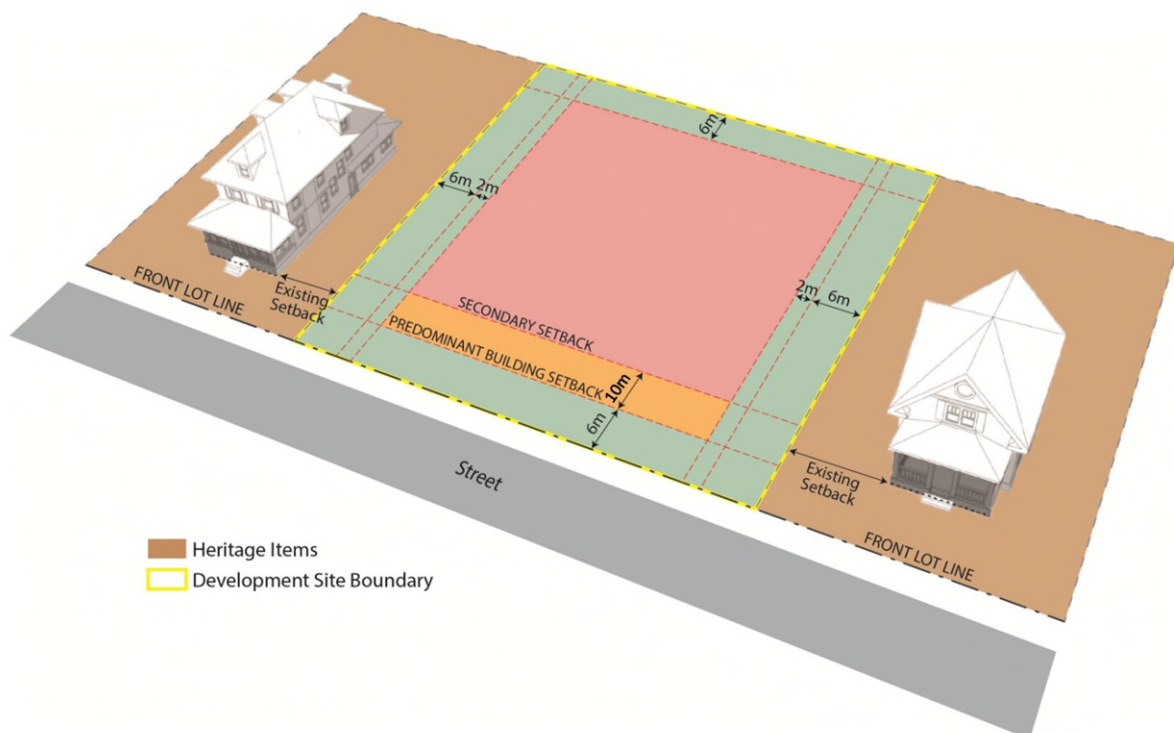




Separation distance is to be shared equally across boundary lines

**Figure 49. Separation distances**

- P3** Minimum 2m extra setback from the boundary adjoining a heritage item, in addition to the setback requirements in the Apartment Design Guide (ADG). The additional 2m can be provided at ground level or above the second storey to break the build form. Refer to **Figure 50** below.



**Figure 50. Setbacks for heritage items**

- P4** The minimum separation distance to all facades of a heritage item within the same site or an amalgamated site is 6m.

### *Landscaping and Open Space*

#### **Objectives**

- O1** To maximise the use and provision of communal open space at ground level.
- O2** To ensure high quality landscaped grounds that contribute to the overall character of the area.

#### **Provisions**

- P1** Communal open space is preferred at ground level and associated with deep soil areas and provided with shade and amenities i.e. water tap, BBQ and seating.
- P2** Areas and dimensions for communal open space and landscaping are to comply with the Apartment Design Guide sections 3D and 3E.

### *Built Form*

#### **Objectives**

- O1** To ensure that the built form and massing contribute to the creation of character and display design excellence through well-articulated elevations, interesting roof forms and high quality materiality.

#### **Provisions**

- P1** All elevations should display design excellence and generally comply with provisions P28 and P29 under section 3.2.1 Building Design of the BDCP.
- P2** Elevations facing Cooper Street need to display 'fine grain' articulation or recesses running vertically the full height of the applicable street wall. Recesses or built form articulation need to be at no more than 8-10m intervals along the elevation.
- P3** Side elevations need to display a combination of recesses, architectural fenestration and habitable windows. Unarticulated blank facades that can be characterised as non-habitable walls are not permitted.
- P4** Recesses (min. 2m X 2m) need to be placed on all side elevations at 10-12m intervals depending on the length of the elevation.

### *Vehicle Entries, Servicing and Waste Management*

#### **Objectives**

- O1** To minimise potential pedestrian-vehicles conflicts along Cooper Street.
- O1** To avoid any visual impacts to Cowdery Lane through the orderly provision of waste management and bin collection areas within the site.

#### **Provisions**

- P1** All access for private and service vehicles is restricted to Cowdery Lane.



- P2** All vehicle entry points to be integrated with the overall building design. Any visible areas from the public domain in front or behind or behind the security grille to be treated with high quality materials to integrate with the main façade.
- P3** All proposals need to provide a traffic assessment of any potential impacts to Cowdery Lane and evaluate the need for road widening if individual and collective traffic impacts with neighbouring developments cannot be mitigated.
- P4** Proposals that cannot adequately meet their servicing, deliveries or waste management requirements need to cater for the road widening of Cowdery Lane up to 6m as part of their site planning and building siting.
- P5** Bin enclosure areas must be located within the building envelope, be accessible from the vehicle driveway and be integrated within the architectural design of the building.
- P6** Road side collection and bin enclosures visible from the public domain or located within the landscape setbacks are not permitted.

*Mailbox and Postal Facilities*

- P1** Mail box and postal facilities to be included and to comply with provisions P8, P9 and P10 under Section 3.2.4 *Street-Front Activities and Building Access*. Refer to **Figure 1** and **Figure 2**.

*Fire Safety and Power Supply Utilities*

- P1** Fire safety and power supply utilities are to comply with provision P12 under Section 3.2.4 *Street-Front Activities and Building Access*. Refer to **Figure 3**.

*Mechanical and Ventilation Equipment*

- P1** Mechanical and Ventilation Equipment are to comply with Provisions 15, 16, 17, 18 under Section 3.2.4 *Street-Front Activities and Building Access*.

## 3.8 Area Based Controls – Livingstone Street and Sym Avenue Precinct, Burwood

### Introduction

This section applies to development on properties outlined in the figure below:



Figure 51. Livingstone Street and Sym Avenue Precinct

### Overview

The Burwood Livingstone Street and Sym Avenue Precinct is located in close proximity to the Burwood Town Centre and the public transport node of Burwood Railway Station and bus linkages.

The subject Precinct is:

- less than a 400 metre walk from Burwood Railway Station
- adjacent to the southern boundary of the Burwood Town Centre
- close to retail and commercial premises
- close to education, health and recreational facilities

Council prepared a Planning Proposal to rezone the Precinct from R2 Low Density Residential to partly R1 General Residential and partly R3 Medium Density Residential, in order to increase the housing supply. The Department of Planning, Industry and Environment has issued a Gateway Determination for this Planning Proposal.

Please refer to parts 4-8 of this DCP for guidance relating to different forms of development and design considerations. In addition, the following objectives and provisions relate specifically to the Livingstone Street and Sym Avenue Precinct. These provisions take precedence when applied to the subject Precinct, if they differ to other parts of the DCP.

*Site Planning and Response to Character*

**Objectives**

- O1** To encourage the efficient use of land.
- O2** To establish appropriate development controls that increase housing supply and diversity.
- O3** To balance increased density with heritage conservation values as a key consideration.
- O4** To promote 'human scale' and enhance the pedestrian environment of Livingstone Street, Sym Avenue and Sym Lane.

**Provisions**

- P1** Any proposed development will need to preserve and not detract from the heritage and conservation values of the heritage items within and/or in close proximity to the Precinct.
- P2** Proposed massing and overall built form will need to respond to the character of the heritage items within the Precinct.
- P3** Proposed massing and overall built form will need to be designed and articulated in a way that ensures a 'human scale' when visible from Livingstone Street, Sym Avenue and Sym Lane.
- P4** Development consent shall not be issued unless the applicant has clearly demonstrated that the proposal has considered and responded to:
  - the surrounding context of the precinct,
  - the area's contributory elements (physical and environmental).
  - the heritage values of the heritage items within and surrounding the precinct

*Height of Building and Floor Space Ratio*

- P1** The development standards in the BLEP 2012 apply.

*Site Coverage*

**Objectives**

- O1** To provide for adequate landscape and deep soil areas.
- O2** To adequately mitigate the effects of bulk, scale and overall massing.
- O3** To establish appropriate footprints and areas for basement and parking.

**Provisions**

- P1** The footprint of proposed buildings must not to occupy more than 70% of the site.
- P2** The footprint of basement levels should stay within the outline of the building/s above ground and not protrude into any setbacks.

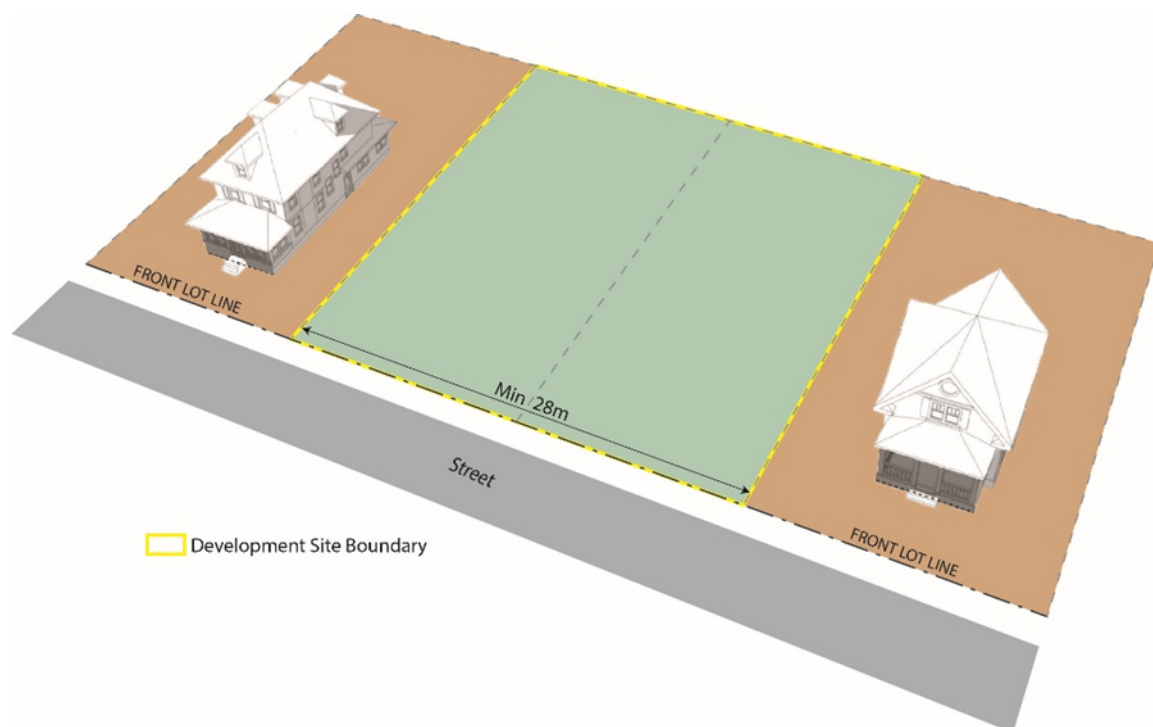
### *Street Frontage*

#### **Objectives**

- O1** To ensure the orderly development of all sites including sites containing or adjacent to heritage items.
- O2** To present building frontages within generously landscaped separation distances.
- O3** To establish appropriate footprints that can accommodate vehicle entries within the building footprint.

#### **Provisions**

- P1** The street frontage of any development fronting Livingstone Street and/or Sym Avenue shall comply with **Figure 52** below and the Minimum Site Frontage provisions stipulated in the BLEP 2012.



**Figure 52. Minimum Street Frontage**

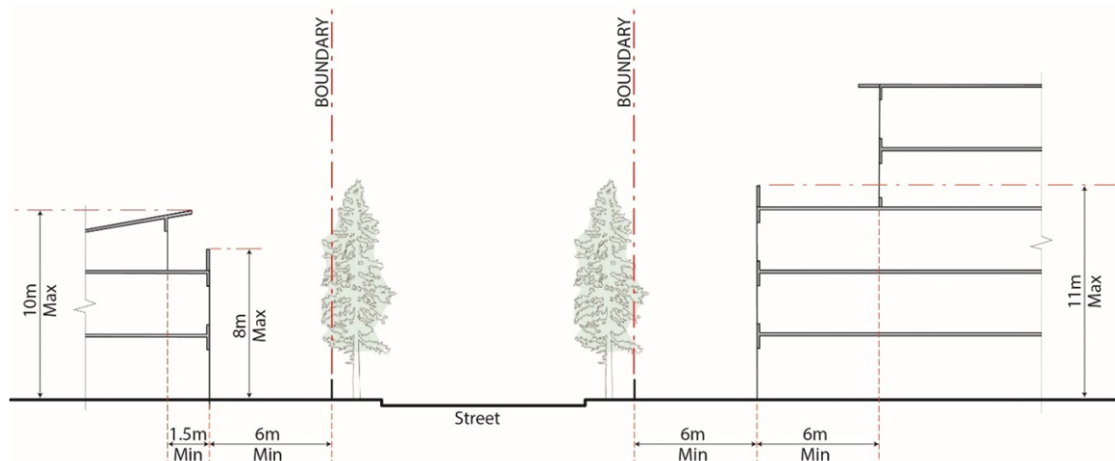
### *Street Wall Heights*

#### **Objectives**

- O1** To ensure that the scale of the built form promotes a 'human scale' facing all frontages visible from the public domain.
- O2** To ensure an adequate 'sense of enclosure' and improve pedestrian experience along Sym Lane.

#### **Provisions**

- P1** The street wall height of any development fronting Livingstone Street and/or Sym Avenue shall comply with **Figure 53** below and the relevant provisions stipulated in the BLEP 2012.



**Figure 53. Livingstone Street, Street Wall Height and Primary and Secondary Setbacks**

- P2** The street wall height of development fronting Sym Lane shall be no more than 13.5m inclusive of parapets.

### *Setbacks*

### **Objectives**

- O1** To ensure the street setback enhances the setting of the building, and that side and rear setbacks create usable land and maintain amenity between neighbouring sites.
- O2** To ensure that the built form improves the landscape character, encourages landscape screening and contributes to the landscape softening of Livingstone Street, Sym Avenue and areas adjacent to common boundaries.
- O3** To ensure deep soil areas contribute to the provision of mature planting and water filtration to all setbacks.
- O4** To ensure adequate separation distances to protect the curtilage and buildings of heritage items.

### **Provisions**

#### *Primary Setbacks*

- P1** Primary setbacks to Livingstone Street and/or Sym Avenue shall comply with the relevant provisions stipulated in the Planning Proposal, which is expected to result in a LEP clause in the BLEP 2012.
- P2** Ground level setback to Livingstone Street, Sym Avenue and/or Sym Lane should be occupied by a combination of private courtyards and communal space. Private courtyards can occupy up to 3 metres from the building line with the reminding distance up to the boundary to be maintained by the strata management to achieve a consistent treatment and upkeep.
- P3** Private courtyards to be enclosed by fencing with openable gates. Fencing can have a solid base up 600mm with picket / railing style fence with a minimum of 1.2 up to 1.5m including the solid base. If additional privacy is required above 1.5m, this can be achieved with the use of shrubs or hedging. Picket / railing style fencing must have at least 50% transparency.

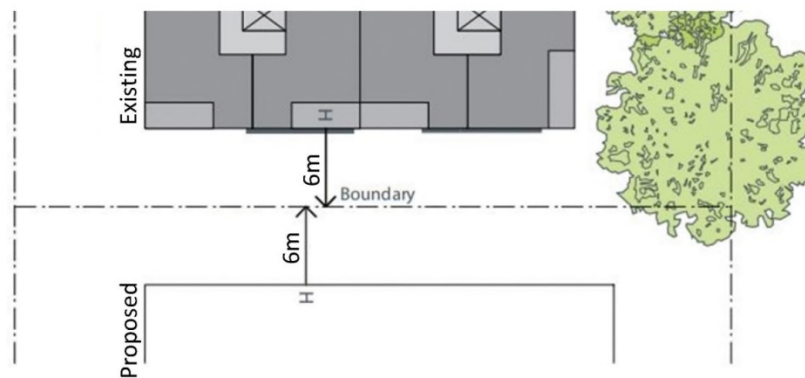
- P4** The setback to Sym Lane can be occupied by a private courtyard up to 3m from the building façade and be enclosed by a picket / railing style fence up to 1.2 m. The reminding distance between the kerb and the fence should be utilised as a deep landscaping planting to be maintained by the strata management.
- P5** Fences facing Sym Lane are to be permeable with a minimum 40% with operable gates leading to private courtyards at ground level for activation and convenient rear access.

#### *Secondary Setbacks*

- P1** Secondary setbacks to Livingstone Street and Sym Avenue above the street wall height shall comply with **Figure 53** and the relevant provisions stipulated in the BLEP 2012.
- P2** Secondary setbacks to Sym Lane above the street wall height shall be a minimum of 3m.

#### *Side Setbacks and Separation Distances*

- P1** Side setbacks and separation distances are to comply with the *Apartment Design Guide* design criteria 1 under Objective 3F-1.
- P2** Separation distances are to be shared equally by both properties to either side of the common boundary. Refer to the image below.

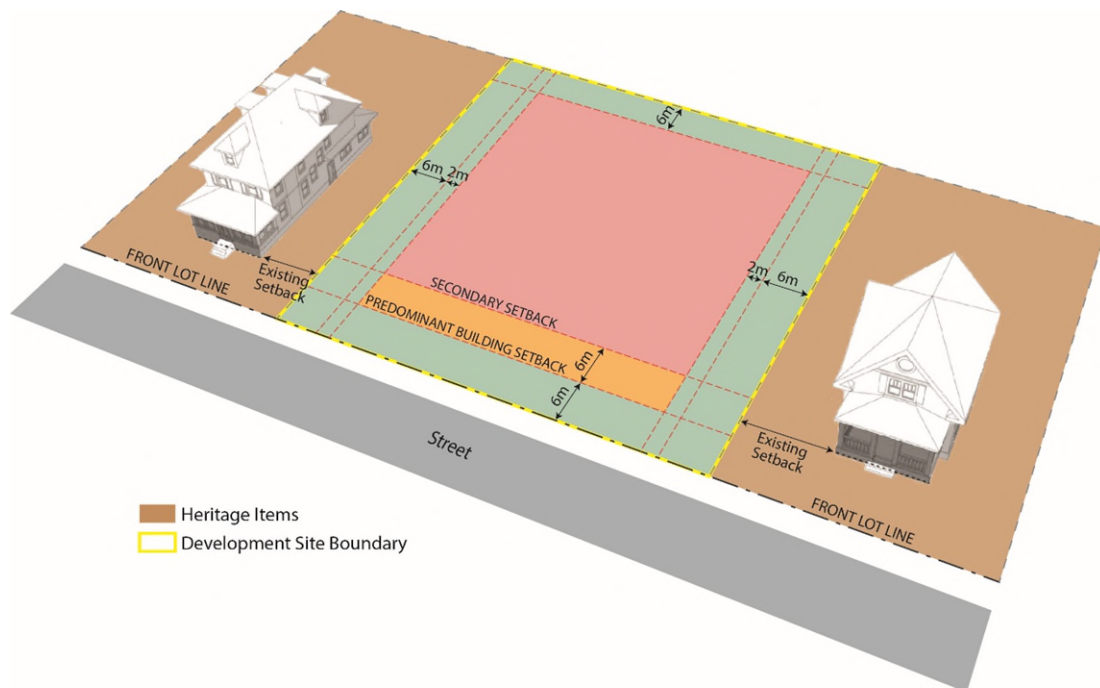


Separation distance is to be shared equally across boundary lines

**Figure 54. Separation distances**

- P3** The separation distance to a site containing a heritage item shall comply with **Figure 55** below and the relevant provisions stipulated in the BLEP 2012. The additional 2m can be provided at ground level or above the second storey to break the build form. Refer to the image below.





**Figure 55. Setbacks for heritage items**

- P4** The minimum separation distance to all facades of a heritage item within the same site or an amalgamated site is 6m.

*18 Conder Street, Burwood*

### Objectives

- O1** To mitigate the impacts of the partial removal of the Building Height Plane (BHP) Line E next to No. 18 Conder Street.
- O2** To protect the amenity of residential uses to the south of No. 18 Conder Street.

### Provisions

- P1** Side setback to southern boundary to be at least 6m at ground level up to 12m and comply with ADG separation distances.
- P2** Southern elevation facing common boundary with 23 Livingstone Street, Burwood must be articulated and display habitable windows. Recesses or built form features are required at 10-12m intervals.
- P3** Side setback at ground level is for the purpose of greening and mature landscaping to provide landscape buffer to the properties to the south of the common boundary.

*Landscaping and Open Space*

### Objectives

- O1** To maximise the use and provision of communal open space at ground level.

- O2** To ensure high quality landscaped grounds that contribute to the overall character of the area.

**Provisions**

- P1** The minimum landscaped area shall comply with the relevant provisions stipulated in the BLEP 2012.
- P2** Communal open space is preferred at ground level and associated with deep soil areas and provided with shade and amenities i.e. water tap, BBQ and seating.
- P3** Areas and dimensions for communal open space and landscaping are to comply with the Apartment Design Guide sections 3D and 3E.

*Built Form*

**Objectives**

- O1** To ensure that the built form and massing contribute to the creation of character and display design excellence through well-articulated elevations, interesting roof forms and high quality materiality.

**Provisions**

- P1** All elevations should display design excellence and generally comply with provisions P28 and P29 under *Section 3.2.1 Building Design* of the DCP.
- P2** Elevations facing Livingstone Street and/or Sym Avenue need to display 'fine grain' articulation or recesses running vertically the full height of the applicable street wall height or parapet.
- P3** A maximum length of uninterrupted building frontage of 10m for terrace or townhouse development on the southern side of Livingstone Street in order to achieve substantial articulation in the form of an indent, recess or physical break along the length of the elevation.
- P4** Side elevations need to display a combination of indents, architectural fenestration and habitable windows. Unarticulated blank facades that can be characterised as non-habitable walls are not permitted.
- P5** Recesses (min. 2m X 2m) need to be placed on side elevations every 10-12m depending on the length of the elevation.

*Vehicle Entries, Servicing and Waste Management*

**Objectives**

- O1** To minimise potential pedestrian-vehicles conflicts along Livingstone Street and Sym Avenue.
- O1** To minimise visual impacts to both sides of Livingstone Street, the western side of Sym Avenue and Sym Lane through the orderly provision of waste management and bin collection areas within the site.

## **Provisions**

- P1** All access for private or service vehicles to be integrated with the overall building design. Any visible areas from the public domain in front or behind the security grille to be treated with high quality materials as the main façade.
- P2** Bin enclosure areas need to be located within the building envelope, be accessible from the vehicle driveway and be integrated within the architectural design of the building.
- P3** Road side collection and bin enclosures visible from the public domain or located within the landscape setbacks are not permitted.

### *Mailbox and Postal Facilities*

- P1** Mail box and postal facilities to be included and to comply with provisions P8, P9 and P10 under *Section 3.2.4 Street-Front Activities and Building Access*. Refer to **Figure 1** and **Figure 2**.

### *Fire Safety and Power Supply Utilities*

- P1** Fire safety and power supply utilities are to comply with provision P12 under *Section 3.2.4 Street-Front Activities and Building Access*. Refer to **Figure 3**.

### *Mechanical and Ventilation Equipment*

- P1** Mechanical and Ventilation Equipment are to comply with Provisions 15, 16, 17, 18 under *Section 3.2.4 Street-Front Activities and Building Access*.

## **3.9 Transport and Parking in Centres and Corridors**

### **3.9.1 Strategic Approach**

The BLEP 2012 provides substantial capacity for growth in housing, employment, shopping and services in Burwood's Centres and Corridors zoned B4, B2 and B6. Such growth will increase the demand for travel, and place additional pressure on the transport system and parking supply in the Burwood LGA. At the same time ongoing population and economic growth in the Metropolitan Region is likely to increase travel demand generally and private vehicle use in particular.

Local policy on transport and parking must respond to these challenges. The functions of centres and corridors must be preserved and improved. Their amenity as places for people needs to be protected and enhanced. This will require better management of the local road system and parking supply, and improved utilisation of Burwood's substantial public transport facilities, and of opportunities for mobility by walking and cycling.

#### *Car Share Parking*

Residential Flat Buildings and other developments may allocate car share parking spaces on site. These car share parking spaces, if provided, must be in easily accessible locations, with clear signage, for the exclusive use for a car share scheme.

The car share parking spaces must be clearly identified on the plans submitted to Council and are to be retained as common property of the Owners Corporation of the site.

The car share parking spaces will be excluded from the gross floor area calculation of the development.

### **3.9.2 Burwood Town Centre and Strathfield Town Centre**

#### **Overview**

The BTC LEP 2010, now incorporated into the BLEP 2012, has established a strong growth trajectory for the BTC. The BLEP 2012 extends controls similar to the BTC along Burwood Road North, and also has increased the development capacity of the STC (in the Burwood LGA) through an expanded area and increased development standards.

Over the next two decades, both Centres will be major focuses of growth in housing, employment, shopping and services. They are well suited to high density activities having close proximity to arterial roads and excellent public transport accessibility by rail and bus.

The challenges for the Town Centres will be to meet the divergent travel needs of users of the Centres while encouraging development, maintain competitiveness locally in the Region, and enhance environmental quality and amenity. Innovative approaches to managing travel demand and parking supply will be necessary.

The objectives for transport, traffic and parking policy in the Town Centres are:

#### **Objectives**

- O1** Improve traffic management in the Centres to minimise congestion and adverse environmental and amenity impacts.

- O2** Maintain the operational viability of public transport services, with particular regard to the needs of buses.
- O3** Increase the use of public transport, walking and cycling for trips generated by new development.
- O4** Ensure the appropriate provision of parking supply to meet the different needs of users and encourage the regional competitiveness of the Town Centres.
- O5** Emphasise the availability of short-stay parking for visitors to the Town Centres, being customers of businesses, shops and services and visitors to residents of the Centres.
- O6** Facilitate expansion of convenient public off-street parking areas by providing opportunities for voluntary developer contributions in place of on-site parking and establishing a planning framework for provision of additional public parking areas.
- O7** Ensure that the community's investment in and use of parking infrastructure is efficient, has regard to site features and the patterns of demand in the centres.
- O8** Require a broader assessment of transport, traffic and parking factors in the Development Application process.
- O9** Ensure that appropriate criteria for safety and personal security are applied to the location, accessibility and design of parking areas, to loading, unloading and service facilities, to the needs of people with disabilities, and to facilities for cyclists and pedestrians.

### Provisions

<b>Advisory Note:</b>
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All provisions apply to the Burwood Road North area zoned B4 Mixed Use as well as the BTC and STC.
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- P1 Basic parking requirement:** Development in the B4 Mixed Use zone in the Burwood and Strathfield Town Centres must provide parking spaces on site for each proposed land use in accordance with the Table 2.
- P2 Parking for visitors to the Burwood Town Centre and the Strathfield Town Centre:** Notwithstanding P1, in the B4 Mixed Use zone, Council may consider and accept an offer from an applicant of a monetary contribution for Visitors Parking in lieu of the provision on-site of all or part of the parking requirement. Such an offer is voluntary and subject to Council's agreement at its discretion. If approved, it will be administered through a Voluntary Planning Agreement under the Environmental Planning and Assessment Act 1979.

For the purposes of this DCP sub-section **Visitors Parking** means:

- Parking demand generated by persons in vehicles making short-term visits to the residents of buildings comprising residential flat buildings or shop top housing in the B4 Mixed Use zones, as specified in Table 2
- Parking demand generated by the short term needs of persons in vehicles making short-term visits to access commercial premises (comprising office, business and retail premises) and other defined land uses in the BTC, as specified in Table 2 below.

The reasons for adoption of this strategy are:

- Locating some spaces in consolidated public car parks that have extended opening hours, higher turnover and safe and secure access will provide better, more useable parking facilities being available to the general public.
- Locating some spaces in consolidated public parking areas means better use of resources and value for money for developers and the community.
- Locating some spaces in consolidated public parking areas supports greener and cleaner outcomes for the community. Business centres need adequate parking supply to meet the needs of users and to compete with other centres, balanced with encouragement of public transport use, walking and cycling that can help reduce on-street traffic congestion, and improve a centre's amenity and attractiveness to visitors.

The circumstances in which Council may consider and accept an offer for Visitors Parking are:

*1. Residential flat buildings and shop top housing*

The requirement under P1 for Visitors Parking for residential flat buildings and shop top housing, additional to the requirement for parking for residents, may be subject to an offer of a monetary contribution for all or part of such visitors parking in lieu of on-site provision. Council will consider and may accept the offer at its discretion.

The voluntary monetary contribution offered must be equal to the number of visitors spaces not being provided on site, multiplied by the dollar amount of the cost of providing an on-site parking space (see P4 below). A discount of 20% is then applied because the funds received will be used by Council to increase the parking supply in off-street public parking areas where it can be provided and used more efficiently.

The following formula applies, and calculation is pro-rata, that is, the actual number to 1 decimal point:

*(Number of spaces not being provided on site X cost of an on-site parking space) X 0.8 = Visitors Parking contribution in lieu offer. Required spaces to be round-up to the nearest whole number.*

*Example: (8.2 X [insert current rate from table of fees and charges]) X 0.8 = \$[X]*

*2. Retail premises, Registered clubs, and other land uses as specified in the Table as having the same parking provision rates*

For the parking spaces required for the development above the 1 space for the first 400 sqm (as specified under P1), Council may consider and accept at its discretion an offer of a monetary contribution for Visitors Parking, which comprises some or all of the required spaces, in lieu of on-site provision.

The voluntary monetary contribution offered must be equal to the number of spaces not being provided on site, multiplied by the dollar amount of the cost of providing an on-site parking space (see P4 below). A discount of 20% is then applied because funds received will be used by Council to increase the parking supply in off-street public parking areas where it can be provided and used more efficiently.

The following formula applies, and calculation is pro-rata, that is, the actual number to 1 decimal point:

*(Number of spaces not being provided on site X cost of an on-site parking space) X 0.8 = Visitors Parking contribution in lieu offer. Required spaces to be round-up to the nearest whole number.*



*Example:  $(8.2 \times [\text{insert current rate from table of fees and charges}]) \times 0.8 = \$[X]$*

**Please note that the allowance for Visitors Parking under this subsection only does not apply to Major Development, which is defined for the purposes of this subsection as comprising a gross floor area of more than 2,000 sqm or as otherwise determined by Council. All parking for Major Development must be provided on site.**

*3. Business premises and Office premises, and other land uses as specified in the Table as having the same parking provision rates*

For the parking spaces required for the development above the 1 space for the first 400 sqm (as specified under P1), Council may consider and accept at its discretion an offer of a monetary contribution for Visitors Parking, which comprises up to 20% of the required spaces, in lieu of on-site provision.

The voluntary monetary contribution offered must be equal to the number of spaces not being provided on site, multiplied by the dollar amount of the cost of providing an on-site parking space (see P4 below). A discount of 20% is then applied because funds received will be used by Council to increase the parking supply in off-street public parking areas where it can be provided and used more efficiently.

The following formula applies, and calculation is pro-rata, that is, the actual number to 1 decimal point:

*(Number of spaces not being provided on site  $\times$  cost of an on-site parking space)  $\times$  0.8 = Visitors Parking contribution in lieu offer. Required spaces to be round-up to the nearest whole number.*

*Example:  $(8.2 \times [\text{insert current rate from table of fees and charges}]) \times 0.8 = \$[X]$*

**P3 Other parking not provided on site:** In the B4 zone in the Burwood and Strathfield Town Centres, and along Burwood Road North, if an applicant for development is unable to provide the on-site parking spaces as determined under P1 from the Table (other than Visitors Parking spaces agreed in accordance with P2 above) because it is a difficult site, Council may consider an offer of a monetary contribution in lieu of the on-site provision of the parking spaces. Such an offer is voluntary and will be accepted solely at Council's discretion. If approved by Council, it will be administered through a Voluntary Planning Agreement under the Environmental Planning and Assessment Act 1979.

The characteristics that Council will take into account in determining if it is a difficult site include:

- The site is very small, i.e. less than the minimum subdivision lot size for the area in the BLEP 2012, and isolated with no opportunities for amalgamation or
- The site is small, i.e. less than 600 sqm and there are limited options for on-site parking provision, e.g. the site is mostly occupied by existing buildings and involves only a change of use or
- Vehicular access is severely constrained, e.g. the site only has frontage to Classified road.

It is the responsibility of the applicant to demonstrate that one or more of the above features applies and that redevelopment or the change of use is unlikely to be viable economically if parking requirements are applied strictly.

**This option does not apply to development of residential accommodation or serviced apartments in the B4 Mixed Use zone. However, Council resolved on 23 July 2013 that this option can be applied to boarding houses.**

The voluntary monetary contribution offered must be equal to the number of spaces not being provided on site, multiplied by the dollar amount of the cost of providing an on-site parking space (see P4 below). **There is no discount in these cases.** The following formula applies, and the calculation is pro-rata, that is, the actual number to 1 decimal point:

*(Number of spaces not being provided on site X the cost of an on-site parking space)  
= Parking contribution in lieu offer. Required spaces to be round-up to the nearest whole number.*

*Example: (4.3 X [insert current rate from table of fees and charges]) = \$[X]*

- P4 Parking space cost figures for formulas:** Calculations of the offer for a contribution in lieu of on-site parking provision through the formulas in P2 and P3 above are to use the cost figure per space applicable in the year the Development Application is made, as published in the Schedule of Fees and Charges on Council's website. The cost figure per parking space is updated annually in accordance with construction cost movements.
- P5 Parking for people with a disability:** Notwithstanding any voluntary monetary contribution made under P2 or P3 above, parking for people with a disability required under legislation or applicable Australian Standards must be provided on the site of the development where it is practicable to do so. This is the case even where it amounts to an increased total provision of parking for a development.
- P6 Change of use:** Where Table 2 indicates that additional parking is required for a land use that is a change of use of existing floor area the above opportunities for voluntary contributions in lieu of on-site provision of parking spaces may apply at Council's discretion where the applicable criteria are met.
- P7 Use of funds received under Voluntary Planning Agreements (VPAs):** Refer to Council's adopted policy for expenditure of funds received under P3, which is an addendum to Council's VPA policy.

### 3.9.3 Local Centres

#### Overview

Burwood's two Local Centres, zoned B2 in the BLEP 2012, extend along several Classified (main) Roads. The Croydon Park Local Centre fronts Georges River Road. The Enfield Local Centre is in three parts: in the west it extends along Liverpool Road and Coronation Parade in the east it extends along Liverpool Road and Burwood Road, and there is a third area fronting the southern side of Liverpool Road at the mid-point. In all locations some of the B2-zoned land also has side street frontages.

Generally the Local Centres have easier parking availability than the Town Centres and are more readily accessible from surrounding residential areas. They are all located on major bus corridors connected to rail stations, providing good public transport accessibility, although not to the same extent as Burwood's Town Centres.

The Local Centres play an important role in providing smaller scale convenience shopping and business services to the local and subregional population. They are an important location for

restaurants and cafes, and takeaway food and drink premises, and increasingly medium density residential development. The BLEP 2012 will ensure there is adequate capacity for the Local Centres' service functions to continue, while also increasing the opportunities for residential development.

The challenges in the Local Centres are to meet the travel and parking needs of users of the Centres while encouraging development, to minimise adverse impacts on the transport functions of the Classified Roads, and to enhance local environmental quality and amenity. The following objectives for transport, traffic and parking policy in the Local Centres are adopted.

#### Objectives

- O1** Improve traffic management in the Centres to minimise congestion, reduce impacts on Classified Road traffic flows, improve safety and contain adverse environmental and amenity impacts.
- O2** Maintain the operational viability of bus public transport services for the Centres.
- O3** Enhance opportunities for access by public transport, walking and cycling
- O4** Ensure the appropriate provision of on-site parking supply to meet the needs of users, and provide public off-street parking where opportunities arise.
- O5** Ensure a broader assessment of transport, traffic and parking factors in the Development Application process.
- O6** Ensure that the location, accessibility and design of parking areas, and of loading, unloading and service facilities where necessary, meet appropriate criteria for safety and personal security, the needs of people with disabilities, facilities for cyclists and pedestrians, enhancement of the quality of the streetscape.

#### Provisions

- P1 Basic parking requirement:** Development in the B2 Local Centres zone must provide parking spaces on site for each proposed land use in accordance with the Table 2.
- P2 Parking for visitors to Centres:** There are no arrangements for Visitors Parking in the Local Centres by way of contributions in lieu of on-site provision.
- P3 Other parking not provided on site:** In the B2 zone, if an applicant for development is unable to provide or chooses not to provide the on-site parking spaces as determined from the Table, because it is a difficult site, Council may consider an offer of a monetary contribution in lieu of the on-site provision of the parking spaces. Such an offer is voluntary and will be accepted solely at Council's discretion. If approved by Council, it will be administered through a Voluntary Planning Agreement under the Environmental Planning and Assessment Act 1979.

The characteristics that Council will take into account in determining if it is a difficult site include:

- The site is very small, i.e. less than the minimum subdivision lot size for the area in the BLEP 2012, and isolated with no opportunities for amalgamation, or
- The site is small, i.e. less than 600 sqm and there are limited options for on-site parking provision, e.g. the site is mostly occupied by existing buildings and involves only a change of use, or

- Vehicular access is severely constrained, e.g. the site only has frontage to Classified road.

It is the responsibility of the applicant to demonstrate that one or more of the above features applies and that redevelopment or the change of use is unlikely to be viable economically if parking requirements are applied strictly.

**This option does not apply to development of residential accommodation or serviced apartments in the B2 Local Centre zone.**

The voluntary monetary contribution offered must be equal to the number of spaces not being provided on site, multiplied by the dollar amount of the cost of providing an on-site parking space (see P4 below), less a discount of 50% in recognition of the development economics applying in the B2 zone. The following formula applies, and the calculation is and the calculation is pro-rata, that is, the actual number to 1 decimal point:

*(Number of spaces not being provided on site X cost of an on-site parking space) X 0.5 = Visitors Parking contribution in lieu offer. Required spaces to be round-up to the nearest whole number.*

*Example: (2.2 X [insert current rate from table of fees and charges]) = \$[X]*

- P4 Parking space cost figures for formulas:** Calculations of the offer for a contribution in lieu of on-site parking provision through the formulas in P2 and P3 above are to use the cost figure per space applicable in the year the Development Application is made, as published in the Schedule of Fees and Charges on Council's website. The cost figure per parking space is updated annually in accordance with construction cost movements.
- P5 Parking for people with a disability:** Notwithstanding any voluntary monetary contribution made under P2 or P3 above, parking for people with a disability required under legislation or applicable Australian Standards must be provided on the site of the development where it is practicable to do so. This is the case even where it amounts to an increased total provision of parking for a development.
- P6 Change of use:** Where Table 2 indicates that additional parking is required for a land use that is a change of use of existing floor area, the above opportunity for voluntary contributions in lieu of on-site provision of parking spaces may apply at Council's discretion where the applicable criteria are met.
- P7 Use of funds received under Voluntary Planning Agreements (VPAs):** Refer to Council's adopted policy for expenditure of funds received under P3, which is an addendum to Council's VPA policy.

### 3.9.4 Neighbourhood Centres

#### Overview

Land zoned B1 Neighbourhood Centre in the BLEP 2012 is located in several small pockets in Tangarra Street Enfield and Arthur St Croydon Park. The main area is on both sides of Croydon rail Station, on land fronting The Strand, and Young/Hennessey Streets.

The former meet a very local need. The Croydon Neighbourhood Centre plays a significant role in meeting local needs for convenience shopping and business services, as well as restaurants and cafes, and takeaway food and drink premises.

The BLEP 2012 does not anticipate or facilitate any significant growth in the smaller neighbourhood centres. Given its special character and inclusion in the Malvern Hill Conservation Area, the Croydon Neighbourhood Centre is unlikely to change significantly. There is already a public off-street parking area for the Centre at the corner of Paisley Road and Fitzroy Street.

The management priorities for the Croydon Neighbourhood Centre focus on traffic to minimise congestion and adverse environmental and amenity impacts, and on parking supply to ensure that the Centre remains viable.

Any requirement for increased parking resulting from new development or intensification of use should be met firstly by on site provision, and if Council agrees this is not possible in the context of site limitations or other priorities such as heritage conservation, acceptance of a voluntary contribution in lieu may be appropriate at Council's discretion and will be administered through a Voluntary Planning Agreement under the Environmental Planning and Assessment Act 1979.

### Provisions

- P1 Basic parking requirement:** Development in the B1 Neighbourhood Centre zone must provide parking spaces on site for each proposed land use in accordance with the Table 2.
- P2 Parking for visitors to Centres:** There are no arrangements for Visitors Parking in the Neighbourhood Centres by way of contributions in lieu of on-site provision.
- P3 Other parking not provided on site:** In the B1 zone, if an applicant for development is unable to provide or chooses not to provide the on-site parking spaces as determined from the Table, because it is a difficult site, Council may consider an offer of a monetary contribution in lieu of the on-site provision of the parking spaces. Such an offer is voluntary and will be accepted solely at Council's discretion. If approved by Council, it will be administered through a Voluntary Planning Agreement under the Environmental Planning and Assessment Act 1979.

The characteristics that Council will take into account in determining if a site is a difficult site include:

- The site is very small, i.e. less than the minimum subdivision lot size for the area in the BLEP 2012, and isolated with no opportunities for amalgamation, or
- Vehicular access is severely constrained and there are limited options for on-site parking provision, e.g. the site is mostly occupied by existing buildings and involves only a change of use.

It is the responsibility of the applicant to demonstrate that one or more of the above features applies and that redevelopment or the change of use is unlikely to be viable economically if parking requirements are applied strictly.

**Please note that this option does not apply to development of residential accommodation in the B1 Neighbourhood Centre zone.**

The voluntary monetary contribution offered must be equal to the number of spaces not being provided on site, multiplied by the dollar amount of the cost of providing an on-site parking space (see P4 below), less a discount of 50% in recognition of the development economics applying in the B1 zone. The following formula applies, and the calculation is pro rata, that is, the actual number to 1 decimal point:

*(Number of spaces not being provided on site X cost of an on-site parking space) X 0.5 = Visitors Parking contribution in lieu offer. Required spaces to be round-up to the nearest whole number.*

*Example: (2.2 X \$[insert current rate from table of fees and charges]) X 0.5 = \$[X]*

- P4 Parking space cost figures for formulas:** Calculations of the offer for a contribution in lieu of on-site parking provision through the formulas in P2 and P3 above are to use the cost figure per space applicable in the year the Development Application is made, as published in the Schedule of Fees and Charges on Council's website. The cost figure per parking space is updated annually in accordance with construction cost movements.
- P5 Parking for people with a disability:** Notwithstanding any voluntary monetary contribution made under P3 above, parking for people with a disability required under legislation or applicable Australian Standards must be provided on the site of the development where it is practicable to do so. This is the case even where it amounts to an increased total provision of parking.
- P6 Change of use:** Where Table 2 indicates that additional parking is required for a land use that is a change of use of existing floor area, the above opportunity for voluntary contributions in lieu of on-site provision of parking spaces may apply at Council's discretion where the applicable criteria are met.
- P7 Use of funds received under Voluntary Planning Agreements (VPAs):** Refer to Council's adopted policy for expenditure of funds received under P3, which is an addendum to Council's VPA policy.

### 3.9.5 The Parramatta Road Enterprise Corridor

#### Overview

The Enterprise Corridor in the BLEP 2012 extends along the whole of Parramatta Road within Burwood LGA. Many lots have frontage to this Classified Road only although some lots also have side street frontage or rear lane access.

The Corridor has always played an important regional role as a location for light and general industries, car sales, servicing and repairs, service stations and the like. In recent years many of the car-based functions have remained but there has also been some transition towards bulky goods sales and self-storage activities. Limited parking supply and constrained vehicular access are constraints on development.

The BLEP 2012's application of the B6 Enterprise Corridor zone, is expected maintain the car-related functions while reinforcing the transition towards retail activities involving food and drink premises and those needing large lots such as bulky goods, timber, hardware, garden and landscaping. Development capacity of the corridor is increased under the BLEP, except for residential development which is restricted to limited Shop-top housing not exceeding approximately 10% of gross floor area.

The transport priorities for the Corridor are to reduce impacts on Classified Road traffic flows, improve pedestrian and vehicular safety and contain adverse environmental and amenity impacts. Adequate on-site parking provision with safe access is important. The elongated corridor makes it difficult to provide public off-street parking that would benefit a large number of lots.



## Provisions

- P1 Basic parking requirement:** Development in the B6 Enterprise Corridor zone must provide parking spaces on site for each proposed land use in accordance with the Table 2. Applications that do not meet this requirement will be refused.
- P2 Voluntary contributions in lieu of on-site parking:** There are no arrangements in the Enterprise Corridor for voluntary contributions in lieu of on-site provision of the parking generated by the development. All parking required for a development must be provided on site.

### 3.9.6 General Requirements in All Centres and Corridors – B1, B2, B4 & B6 Zones

- P1 Compliance with Australian Standards:** The design and construction of on-site:

- parking areas and parking spaces
- service and loading/unloading areas
- access to, from and within these facilities

is to comply with the applicable Australian Standards. These Standards cover a range of technical requirements including design elements, dimensions, gradients, headroom, curves, delivery and service areas, and special requirements for people with disabilities.

The applicable standards are the most recent versions of:

- AS 2890.1 Part 1: Off-street car parking.
- AS 2890.2 Part 2: Off-street commercial vehicle facilities.
- AS 2890.3 Part 3: Bicycle parking facilities.
- AS 2890.5 Part 5: On-street parking.
- AS 2890.6 Part 6: Off-street parking for people with disabilities.
- AS 1428.1: Design for access and mobility.
- AS 1735.12: Lifts, escalators and moving walks - Facilities for persons with disabilities.

- P2 Other general compliance matters:**

The provision of on-site parking areas, and loading and servicing facilities, must contribute to the retention and enhancement of the quality and integrity of the streetscape and integrate with surrounding development.

A loading dock and servicing facilities for developments must be provided as required by AS 2890.2 Part 2: Off-street commercial vehicle facilities, or in any case for all developments erected on land having an area greater than 1500 sqm.

Where parking is provided for development that includes Retail premises and Business premises, and all of the required parking is provided on-site (i.e. the development has not made a substantial voluntary contribution for parking in lieu of on-site provision), the following additional requirements apply:

- the parking area must be open for public use within the normal trading and operating hours of the site
  - the parking area must be accessible with appropriate directional signage, and must be clearly marked and signposted as public parking

- within the building where the parking is located, there must be clear, signposted and safe access between the parking area and the retail or business premises on the site
- the management of the parking area in terms of signage, access permission, fees charged and time limits of parking, and any changes to such management, is subject to Council's approval as part of the Development Application process
- these requirements apply whether or not a parking area is open to public use on a paid or unpaid basis.

Installation of automated or mechanical car parking systems to meet car parking requirements for developments is not supported. Experience with and observation of these systems indicates significant potential for adverse impacts arising from slow operation causing vehicle queuing, vehicle size constraints that are not appropriate in Australia, and unreliability in cases of mechanical, hydraulic or electrical failure. Provision of free-standing spaces accessed by ramps is preferred. If restricted site size limits provision of traditional on-site parking, consideration should be given to a voluntary contribution in lieu of parking in cases where this is accepted under this DCP, or consolidation of lots to create a larger development site.

Proposals to extend basement parking levels from private development sites into the areas of Council's road reserves will not be supported. This is due to the practical, technical and legal constraints and complexities in implementation of this action by both Council and the private site developer.

### **P3 Vehicular Access and Footpath Crossings**

All vehicles must be able to leave on-site parking and service areas in a forward direction. Vehicular access for development must be provided from lanes and minor or secondary streets where available, rather than major streets or Classified Roads.

In particular, new vehicular access to land in the B4 Mixed Use zone from Burwood Road or The Boulevarde, or to land in the B2 Local centre zone from Liverpool Road will not be approved.

Vehicular access and footpath crossings must be minimised where provided the safety of pedestrians and cyclists must be maintained and there should be no more impacts on bus operations.

Where loading and servicing facilities are provided, there must be sufficient space to enable a nine metre rigid vehicle to queue off the street without impacting on footpath crossings.

Vehicular access must have a nominal width of 2.7 metres over the footpath, and be perpendicular to the kerb alignment. In exceptional circumstances, a double crossing with a nominal width of 5.4 metres may be permitted for safety reasons.

Loading dock and other service functions must not interfere with vehicular access to parking areas.

Openings in buildings that provide vehicular access must have automatic closing doors to conceal the opening from any public place.

Doorways in buildings at vehicular access points must incorporate design details that create visual interest.

Vehicular access points must have high quality finishes to walls and ceilings as well as high standard detailing that is integrated with the building design. Service ducts or pipes must not be visible from the street.

Separated and clearly differentiated pedestrian and vehicular access must be provided, with vehicular access a minimum of 3m from pedestrian access.

**P4 Plans and reports on transport, traffic and parking to support Development Applications:**

To provide adequate information for the assessment of proposals, Development Applications are to be supported by one of the following reports, depending on the scale and impact of the proposal.

*1. Major Development - Transport, Traffic and Parking Impact Report and Management Plans*

Major Development, for the purposes of this subsection means any Commercial premises (as defined in the BLEP 2012) with a gross floor area of more than 2,000 sqm, or any residential accommodation (as defined in the BLEP 2012) comprising 30 or more dwellings, or as otherwise determined by Council.

A Development Application for Major Development in any zone is to be accompanied by a Transport, Traffic and Parking Impact Report and Management Plan prepared by a suitably qualified and experienced professional in traffic and transport, addressing the following matters:

- The proposed development and its suitability in terms of transport, traffic and parking impact
- The existing parking and traffic conditions
- The proposed traffic, parking and vehicle access arrangements
- The accessibility of public transport services, and walking and cycling facilities
- The intended measures to encourage public transport use, walking and cycling, and reduce the use of private motor cars
- The impact of the development on the surrounding street network and intended measures to ameliorate or manage that impact
- The impact of the proposed development on the efficient and safe operation of bus services and passenger access
- The design and compliance with applicable Australian Standards
- Pedestrian and cyclist safety, personal security and safe access from parking areas to activities on a site or in the centre
- Signage and visual prominence of parking areas and accessibility during day and night periods
- Provision for loading, unloading and service facilities
- Provision for parking of bicycles and facilities for use of cyclists
- A management plan covering management of traffic impacts and intended measures to encourage public transport use, walking and cycling, and to manage travel demand
- Consistency with general aims and zone objectives of the BLEP 2012
- Consistency with the aims and objectives of this DCP set out in Section 2
- Compliance with the applicable requirements of this DCP Part.

**2. Other Development - Transport, Traffic and Parking Impact Report**

A Development Application for other development, not being Major Development, and located

- in the B4 Mixed Use and B6 Enterprise Corridor zones, or
- in any other zone as determined by Council on a case-by-case basis,

is to be accompanied by a Transport, Traffic and Parking Impact Report prepared by a suitably qualified and experienced professional in traffic and transport, addressing the following matters:

- The proposed development
- The existing parking and traffic conditions and public transport conditions
- The proposed traffic, parking and access arrangements
- The impact of the development on traffic conditions in the surrounding street network including bus operations and intended measures to ameliorate or manage that impact
- Compliance with the applicable requirements of this DCP
- Consistency with the aims and objectives of this DCP set out in Section 2.

**P5 Cycling**

Increased use of cycle travel to, from and within Burwood's centres and corridors can help reduce reliance on private cars and improve public health. Burwood Council and the Inner West Sub-region have suitable terrain and the network of local and regional cycle paths is under continuous improvement. The following requirements apply:

- Development of Commercial premises involving the construction of gross floor area in excess of 400 sqm or three dwellings must include facilities for parking of bicycles (racks and lockers) and showers/change rooms for use by bicycle riders.
- Standards for the number of bicycle parking facilities and number of showers/lockers for different land uses are provided in Cycling Aspects of Austroads Guides (Austroads and Standards Australia 1999) and Planning Guidelines for Walking and Cycling (Department of Planning and the Roads and Traffic Authority 2004) developments must demonstrate compliance with the requirements of either of these publications.
- Design of bicycle parking facilities (racks and lockers) must be in accordance with the provisions of Australian Standard 2890.3 – Parking Facilities or Austroads Guide to Engineering Practice Part 14 – Bicycles. Shower and change room facilities to have a combined area of not less than 2 sqm each.
- Bicycle parking devices must meet the following general requirements:
  - Enable wheels and frame to be locked to the device without damaging the vehicle.
  - Be well located and lit for security purposes.
  - Be in a convenient and accessible location outside pedestrian and vehicle movement paths.
  - Be protected from motor vehicle movements and useable without damaging other bicycles.
  - Be protected from the weather.
  - Designed to fit in with the development.

**P6 Active Travel Demand Management**

Travel demand management initiatives should be employed in new developments in centres and corridors with the aim of reducing car based travel and encouraging greater use of public transport, cycling, walking, and car sharing for commuting and work related journeys. Major developments are encouraged to assess their impacts on travel demand and incorporate measures to encourage more sustainable travel.

- Development that comprises Major Development must include a Travel Demand Management section in the Transport, Traffic and Parking Impact Report and Management Plan to accompany the DA. Major Development is as defined in P4 above.
- Examples of initiatives to be considered in the section include:
  - Distributing brochures to occupants about public transport options available in the BTC
  - Posting up to date public transport information on a prominently located notice board in the main foyer of the development.
  - Providing staff with a limited number of free trips on local public transport, e.g. TravelTen.
  - Providing staff with a substantial discount or subsidy on public transport costs
  - Providing special transport to pick up and drop off occupants to the nearest railway station
  - Providing staff with cycling allowances, loans and insurance together with bicycle storage and showering and changing facilities
  - Adopting car pool scheme for work related journeys
  - Introducing occupant car sharing scheme
  - Using taxis for work related journeys.

**Table 2. Car Parking Rates in Centres and Corridors****Applies to zones:**

B1 Neighbourhood Centre

B2 Local Centre

B4 Mixed Use

B6 Enterprise Corridor

Land Use	Car Parking Rates Applying Where the Land Use is Permitted in the Zone	Notes and other requirements
<b>General</b> <ul style="list-style-type: none"> <li>- The stated parking provision rates are the minimum requirement, except where indicated otherwise for a specific land use.</li> <li>- Calculation of the number of parking spaces required for a development is to be determined by rounding up to the nearest whole number where the decimal point is 0.5 and above, or rounded down to the nearest whole number where the decimal point is below 0.5.</li> <li>- All parking is to be provided on the site of the development except where indicated otherwise for a specific land use.</li> <li>- In all cases the square metre areas in the Table refer to gross floor area as defined in the BLEP 2012 (or in a SEPP where applicable).</li> <li>- The BTC is defined on the BLEP 2012 Burwood Town Centre Map.</li> <li>- Parking requirements for uses identified in the section on <i>Retail Premises Subgroup and Related</i> are to be fully allocated as visitor parking except for the first parking space, which may be allocated for staff / shopkeeper parking. Visitor and staff / shopkeeper parking should be clearly displayed on plans submitted with any Development Application. Visitor parking spaces must not at any time be allocated, sold or leased to an individual person or company and must be strictly retained as common property by the Owners Corporation for use by building visitors.</li> </ul>		
Land Use	Car Parking Rates Applying Where the Land Use is Permitted in the Zone	Notes and other requirements
<b>Residential Accommodation Category and Related</b>		
Dwelling houses, attached dwellings, semi-detached dwellings, secondary dwellings, dual occupancies	<ul style="list-style-type: none"> <li>▪ 1 space per dwelling.</li> </ul>	
Residential flat buildings	Parking for residents <ul style="list-style-type: none"> <li>▪ 0.5 spaces per studio or bed-sitter unit.</li> <li>▪ 1 space per 1 and 2 bedroom unit.</li> <li>▪ 1.5 spaces per 3 bedroom unit.</li> </ul> Parking for visitors to residents of the development (Visitors Parking) <ul style="list-style-type: none"> <li>▪ 1 space per 5 units.</li> </ul>	<ul style="list-style-type: none"> <li>▪ For the purposes of calculating visitors parking, a studio or bedsitter unit is counted as half a unit.</li> <li>▪ See P2 in Section 3.9.2 in relation to Visitors Parking in the B4 Mixed Use zone.</li> </ul>
Shop top housing		
Multi dwelling housing		



Boarding house, Co-living housing	<ul style="list-style-type: none"> <li>▪ Car Parking for residents – refer to the Housing SEPP</li> <li>▪ Bicycle parking – one space per five rooms or part thereof</li> <li>▪ Motorcycle parking – one space per five rooms or part thereof</li> </ul>	
Seniors housing	<ul style="list-style-type: none"> <li>▪ Refer to parking requirements specified in State Environmental Planning Policy – Housing for Seniors or People with Disability 2004.</li> </ul>	
Group homes	<ul style="list-style-type: none"> <li>▪ Refer to parking requirements specified in State Environmental Planning Policy (Affordable Rental Housing) 2009.</li> </ul>	
Home-based child care	<ul style="list-style-type: none"> <li>▪ As per requirements for dwelling houses, attached dwellings, semi-detached dwellings, secondary dwellings, dual occupancies, as applicable.</li> <li>▪ Plus 1 space and access and turning facilities for short-stay set-down and pick-up of children.</li> </ul>	
Home industries	<ul style="list-style-type: none"> <li>▪ As per requirements for dwelling houses, attached dwellings, semi-detached dwellings, secondary dwellings, dual occupancies.</li> <li>▪ Plus 1 space for employees not resident on site.</li> </ul>	
Home occupations	<ul style="list-style-type: none"> <li>▪ As per requirements for dwelling houses, attached dwellings, semi-detached dwellings, secondary dwellings, dual occupancies.</li> </ul>	
<b>Tourist and Visitor Accommodation Category and Related</b>		
Backpackers' accommodation	<ul style="list-style-type: none"> <li>▪ 1 space per accommodation unit.</li> <li>▪ 2 spaces for employees involved in the Tourist and visitor accommodation business.</li> </ul>	
Bed and breakfast accommodation		
Hotel or motel accommodation		
Serviced apartments		
Other not defined		

Commercial Premises Category and Related		
Office premises	<b>On land zoned B4 Mixed Use in the BTC</b> <ul style="list-style-type: none"><li>Commercial Core and Middle Ring Areas<ul style="list-style-type: none"><li>1 space for the first 400 sqm or part thereof, plus</li><li>1 space per 120 sqm or part thereof additional to the first 400 sqm. Up to 20% of this can be regarded as parking for visitors to the office or business premises (Visitors Parking).</li></ul></li><li>In Perimeter and Transition Areas<ul style="list-style-type: none"><li>1 space for the first 400 sqm or part thereof, plus</li><li>1 space per 80 sqm or part thereof additional to the first 400 sqm. Up to 20% of this can be regarded as parking for visitors to the office or business premises (Visitors Parking).</li></ul></li></ul> <b>On other land zoned B4 Mixed Use</b> <ul style="list-style-type: none"><li>As per the requirements for Perimeter and Transition Areas above.</li></ul> <b>On land zoned B2 Local Centre, B1 Neighbourhood Centre and B6 Enterprise Corridor</b> <ul style="list-style-type: none"><li>1 space per 50 sqm.</li></ul>	<ul style="list-style-type: none"><li>The BTC is defined on the BLEP 2012 Burwood Town Centre Map.</li><li>The BTC Areas are defined on Figure 24 of this DCP.</li><li>The provisions of P2 in Section 3.9.2 in relation to Visitors Parking in the B4 Mixed Use zone may apply to these land uses.</li></ul>
Business premises		
Retail Premises Subgroup and Related		
Bulky good premises garden centres hardware and building supplies landscaping material supplies markets plant nurseries roadside stalls Rural supplies timberyards wholesale supplies	<ul style="list-style-type: none"><li>1 space per 33 sqm.</li></ul>	
Pubs registered clubs	<ul style="list-style-type: none"><li>1 space per 5 sqm of bar, lounge, dining, auditorium or entertainment area.</li></ul>	<ul style="list-style-type: none"><li>The provisions of P2 in Section 3.9.2 in relation to Visitors Parking in the B4 Mixed Use zone may apply to these land uses.</li></ul>
Restaurants or cafés other food and drink premises not defined	<b>On land zoned B4 Mixed Use</b> <ul style="list-style-type: none"><li>1 space for the first 400 sqm or part thereof, plus</li><li>1 space per 40 sqm or part thereof additional to the first 400 sqm.</li></ul> <b>In all other business zones</b> <ul style="list-style-type: none"><li>1 space per 40 sqm or part thereof.</li></ul>	
Takeaway food and drink premises	<ul style="list-style-type: none"><li>1 space per 3 seats (internal and external to the building).</li><li>Adequate provision for queuing of vehicles.</li></ul>	
Kiosks	No parking requirement.	

Service stations	<ul style="list-style-type: none"><li>▪ 6 spaces per work bay plus</li><li>▪ 1 spaces per 20 sqm or part thereof of shop or food and drink premises included on site.</li></ul>	
Sex services premises	<ul style="list-style-type: none"><li>▪ 2 spaces per sex worker and</li><li>▪ 1 space per non-sex worker (e.g. manager and security).</li></ul>	
Veterinary hospitals	<ul style="list-style-type: none"><li>▪ 4 spaces per veterinary care professional being 1 space for the health care professional, 1 space for an employee and 2 spaces for attendee animal owners.</li></ul>	
Shops amusement centres industrial retail outlets other retail premises not defined	<p><b>On land zoned B4 Mixed Use</b></p> <ul style="list-style-type: none"><li>▪ 1 space for the first 400 sqm or part thereof, plus</li><li>▪ 1 space per 40 sqm or part thereof additional to the first 400 sqm.</li></ul> <p><b>In all other business zones:</b></p> <ul style="list-style-type: none"><li>▪ 1 space per 40 sqm or part thereof.</li></ul>	<ul style="list-style-type: none"><li>▪ The provisions of P2 in Section 3.9.2 in relation to Visitors Parking in the B4 Mixed Use zone may apply to these land uses.</li></ul>
Neighbourhood shops	<ul style="list-style-type: none"><li>▪ 1 space per 50 sqm in all zones.</li><li>▪ Except in the B6 Enterprise Corridor zone – no parking required.</li></ul>	
Vehicle hire or sales premises	<ul style="list-style-type: none"><li>▪ As for Business premises in zone.</li></ul>	
Entertainment facilities function centres	<ul style="list-style-type: none"><li>▪ As determined by Council having regard to a Transport, Traffic and Parking Impact Report and Management Plan, or a Transport, Traffic and Parking Impact Report, as applicable.</li></ul>	<ul style="list-style-type: none"><li>▪ The provisions of P2 in Section 3.9.2 in relation to Visitors Parking in the B4 Mixed Use zone may apply to these land uses.</li></ul>
Industry, Storage and Related		
Light industries (any kind)	<ul style="list-style-type: none"><li>▪ 1 space per 100 sqm.</li></ul>	
Vehicle body repair workshops	<ul style="list-style-type: none"><li>▪ 1 space per 50 sqm.</li></ul>	
Vehicle repair stations	<ul style="list-style-type: none"><li>▪ 6 spaces per work bay.</li></ul>	
Self storage units	<ul style="list-style-type: none"><li>▪ 1 space per 10 storage units.</li></ul>	
Warehouse or distribution centres	<ul style="list-style-type: none"><li>▪ 1 space per 100 sqm or 1 space per 2 staff, whichever is the greater.</li></ul>	
Transport Category and Related		
Freight transport facilities	<ul style="list-style-type: none"><li>▪ As determined by Council having regard to a Transport, Traffic and Parking Impact Report and Management Plan, or a Transport, Traffic and Parking Impact Report, as applicable.</li></ul>	<ul style="list-style-type: none"><li>▪ Council may obtain a peer review of the Report at the applicant's expense.</li></ul>
Passenger transport facilities		
Transport depots		
Truck depots		
Community Category and Related		

Educational establishments	<ul style="list-style-type: none"> <li>For primary and secondary schools - 1 space per classroom.</li> <li>For tertiary establishments in Business zones – as for Business premises in the zone.</li> <li>For tertiary establishments in other zones               <ul style="list-style-type: none"> <li>Where the site is within 400m of a rail station, as for Business premises in the Business zone adjacent to the station.</li> <li>Where the site is more than 400m from a rail station, 1 space per full time equivalent employee and 1 space per 10 students.</li> </ul> </li> </ul>	
Child care centres	<ul style="list-style-type: none"> <li>If child care centre is located within 400m of a metropolitan train station:               <ul style="list-style-type: none"> <li>1 space per 10 children and 1 space per 2 staff</li> </ul> </li> <li>In all other areas:               <ul style="list-style-type: none"> <li>1 space per 4 children</li> </ul> </li> </ul>	
Industrial training facilities	<ul style="list-style-type: none"> <li>Where the site is within 400m of a rail station, as for Business premises in the Business zone adjacent to the station.</li> <li>Where the site is more than 400m from a rail station, 1 space per full time equivalent employee and 1 space per 10 students.</li> </ul>	
Community facilities information and education facilities	<ul style="list-style-type: none"> <li>As determined by Council's Management Plan for the specific facility.</li> </ul>	
Places of public worship	<ul style="list-style-type: none"> <li>1 space per 10 seats where fixed seating is provided.</li> <li>1 space per 18 sqm where fixed seating is not provided.</li> </ul>	<ul style="list-style-type: none"> <li>The provisions of P2 in Section 3.9.2 in relation to Visitors Parking in the B4 Mixed Use zone may apply to this land use.</li> </ul>
Public administration buildings	<ul style="list-style-type: none"> <li>As for Business premises in the zone.</li> </ul>	
Respite day care centres	<ul style="list-style-type: none"> <li>1 space per 4 persons of maximum capacity.</li> <li>Access and turning facilities for short-stay set-down and pick-up of attendees.</li> </ul>	
Recreation areas and Recreation facilities (indoor)	<ul style="list-style-type: none"> <li>As determined case-by-case on the basis of a Transport, Traffic and Parking Impact Report and Management Plan prepared by the applicant.</li> </ul>	<ul style="list-style-type: none"> <li>Council may obtain a peer review of the Report at the applicant's expense.</li> </ul>
Mortuaries	<ul style="list-style-type: none"> <li>As for Business premises in the zone</li> </ul>	
<b>Health Services Facilities Subgroup</b>		
Health consulting rooms medical centres	<ul style="list-style-type: none"> <li>4 spaces per health care professional (doctor, dentist or other) being 1 space for the health care professional, 1 space for an employee and 2 spaces for patients.</li> </ul>	

Hospitals	<ul style="list-style-type: none"> <li>As determined by Council having regard to a Transport, Traffic and Parking Impact Report and Management Plan, or a Transport, Traffic and Parking Impact Report, as applicable prepared by the applicant.</li> </ul>	<ul style="list-style-type: none"> <li>Council may obtain a peer review of the Report at the applicant's expense.</li> </ul>
<b>Miscellaneous</b>		
Any land use or activity not covered by any of the above	<ul style="list-style-type: none"> <li>As determined by Council having regard to a Transport, Traffic and Parking Impact Report and Management Plan, or a Transport, Traffic and Parking Impact Report, as applicable.</li> </ul>	
Mixed uses	<ul style="list-style-type: none"> <li>As determined from this Table for the requirements of the individual land uses involved.</li> </ul>	

## 3.10 Heritage in Centres and Corridors

### Introduction

This section applies to the development of heritage items (including potential or draft heritage items), properties in a Heritage Conservation Area, and development in the vicinity of a heritage item or conservation area, where the developable property or heritage property is located in a Centre or Corridor.

A reference to 'heritage property' herein means a property containing a heritage item, potential or draft heritage item, or a property within a Heritage Conservation Area (HCA). Heritage items and HCAs are listed in Schedule 5 of the BLEP 2012.

Where a development involves residential development, the heritage controls under Part 4 may also be applied.

**Advisory Note:**

Section 4.7.4.2 contains additional controls applying to The Strand shopping centre, which lies within the Malvern Hill Conservation Area.

### Objectives and Provisions

The development of a heritage property or its setting must have regard to the character, appearance and significance of that item or place.

Demolition of heritage properties or removal of important components which contribute to their heritage significance will only be considered when supported by a detailed Heritage Impact Statement (HIS) or Conservation Management Plan (CMP).

### Objectives

- O1** To support the retention of heritage properties and maintain their heritage significance.
- O2** To ensure that alterations or additions to heritage properties are sympathetic to the heritage significance of the property and in keeping with its character.
- O3** To ensure that development located in the vicinity of a heritage item is designed and sited in a manner sympathetic to the significance of the heritage property and its setting.
- O4** To facilitate adaptive re-use of heritage properties where such a use would contribute to the ongoing maintenance and viability of that item or place.

### Provisions

#### General Provisions

- P1** Development Applications that propose works to, or demolition of, a heritage property are required to submit a heritage report, known as a Heritage Impact Statement (HIS), prepared by a qualified and recognised heritage professional as part of the application to Council. This report shall detail the impacts of the proposed development on the heritage significance of the property. Council may, at its discretion, require a Conservation Management Plan (CMP), instead of a HIS.
- P2** Where substantial demolition is proposed, the HIS is required to provide justification on heritage grounds and demonstrate that options for retention have been



investigated. An assessment of significance must include a comparative analysis of the building in relation to others of its kind in the local area. Claims concerning physical condition are required to be supported by a Structural Engineer's report. Conclusions should be based upon the heritage significance of the property, not on the development potential of the land it is situated upon.

- P3** Council will require the submission of a heritage statement, prepared in accordance with the NSW Heritage Branch guideline *Statements of Heritage Impact*, where development is proposed adjacent to a heritage property.
- P4** Major re-development of a heritage property shall have regard to the NSW Heritage Branch's *Design in Context: Guidelines for Infill Development in the Historic Environment*.

### **Building Design Considerations**

- P5** Development of a heritage property must:
- Provide a use that is compatible with its heritage significance.
  - Be sympathetic in terms of its design, bulk, scale and character.
  - Adopt materials/finishes, form, proportions and detailing that responds to the traditional style of the heritage property.
  - Provide adequate setbacks around the heritage property to ensure the maintenance of its historic setting and facilitate interpretation.
- P6** Development in the vicinity of a heritage property must be designed to have regard to the heritage property's:
- Scale and character.
  - Form and proportions.
  - Materials, colours and finishes.
  - Street alignment and established setbacks in the surrounding area.
- P7** Where a heritage property features a freestanding, heritage-significant building (e.g. house, church, terrace row), any development having three storeys or more which is contiguous to that heritage property will generally be expected to observe a 5 metre minimum setback from the heritage property's boundary (and 4 metre minimum setback for any below-ground excavation/basement).
- P8** Development or adaptive re-use of a heritage property should seek to retain significant external and internal fabric. In particular, those public and community buildings (e.g. churches, schools, hospitals, community halls), pubs and hotels, or other buildings with high public visitation.

For example, significant external design details may include wall tiles, historic advertising, pressed metal awning soffits, balconies, doors and joinery. Significant internal design details may include staircases, plasterwork, joinery or fittings. The spatial qualities of a building will sometimes also be important.

- P9** Development should retain sufficient evidence of the significant internal layout to enable interpretation. Retaining evidence of former room layouts can be achieved by retaining evidence of the cellular pattern through joinery, ceilings, nibs and bulkheads.

## Incorporating Heritage Items into New Development

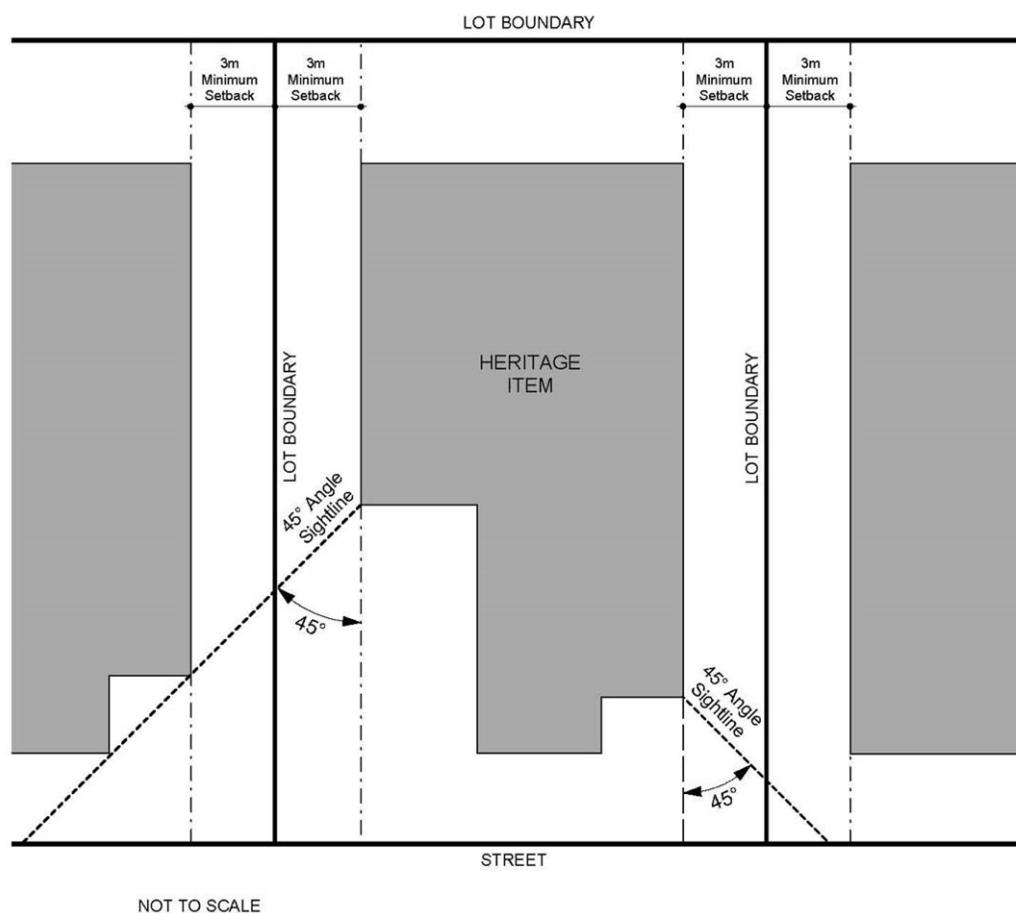
**P10** Where a larger development proposes to incorporate a heritage item or significant place, the design must include appropriate measures to:

- Retain an appropriate setting to allow for the continued appreciation and integrity of the heritage item.
- Ensure the heritage item is not visually obscured or adversely altered, particularly regarding sight lines from the public domain.

**P11** Where a development involves subdivision, Council will generally require that repair or restorative work to the heritage property is undertaken prior to the subdivision. This approach seeks to ensure that the conservation of the heritage property is integral to the redevelopment.

## Sight Lines

**P12** Development adjacent to a heritage property must incorporate front and/or side setbacks to achieve sight lines to the significant building in accordance with **Figure 56**. More generous setbacks may be required to achieve views and vistas. Refer to P13 in the following section for further details. The front alignment of a new development must be sympathetic to the heritage property.



**Figure 56. Minimum Setbacks for Development Adjacent to a Heritage Item or Heritage Conservation Area**

### **Views and Vistas**

**P13** Development of a heritage property, or development in its vicinity, must:

- Provide an adequate area of land around the development to allow interpretation of the significant building or place.
- Not detract from the setting of the heritage property.
- Retain and respect significant views/vistas from the public domain to a heritage property, as well as the views/vistas originating from the heritage property itself.

### **Terrace Buildings**

**P14** Development within a terrace group is to be designed with strict regard to the overall group in terms of height, alignment, form, scale, materials and architectural character.

### **Adaptive Re-Use**

**P15** The adaptive re-use of heritage properties is generally supported where Council is satisfied that such a use would contribute to the ongoing maintenance and viability of that item or place.

**P16** Adaptive re-use shall require that particular attention be given to original interior features of a building and the original layout of rooms, particularly where that building is proposed to be used for a business purpose and there would be some degree of public visitation.

**P17** Where a development relies on the conservation incentive provisions under clause 5.10 (10) of the BLEP 2012, consideration will be given to the extent of alteration proposed and operation matters in respect to that use, such as the location of parking. A CMP is required in proposals which rely on the incentive provisions.

### **Signage, Visual Presentation and Colour Schemes**

**P18** Signage proposed upon historic facades or exteriors shall not obscure significant architectural elements, nor detract from the character of the heritage property.

**P19** Signage shall be restricted upon historic facades. Where applicable, the signs should occupy the areas upon a building traditionally reserved for signage, such as the top hamper or awning fascia. Signage should be addressed as an overall scheme to avoid the accumulation of signs over time.

**P20** Projecting signs are not permitted upon heritage properties.

**P21** Roller shutters, security bars or similar devices shall not be permitted upon a heritage property as these obscure significant architectural elements and detract from the character of buildings. In general, sympathetic alternatives can be found to address the security of business/office/retail premises, such as anti-theft glass and internal locks.

**P22** Redevelopment shall be taken as an opportunity to remove unsympathetic work upon a heritage property, such as air conditioning units above shop awnings, or earlier signage. Redevelopment should also be used to reinstate lost building elements.

- P23** Exterior stonework and face brickwork of a heritage property shall not be painted or otherwise obscured. The cement rendering of masonry exteriors is generally not supported on heritage grounds.
- P24** Original and early landscaping that includes plantings with direct links or association to the heritage property must be retained.
- P25** New colour schemes should reflect the most significant design period of the heritage property. Corporate colours will not be permitted to dominate the architectural elements of a building or obscure building features.
- P26** New colour schemes for a building in the vicinity of a heritage property must not detract from the setting of the heritage property.

## 3.11 Public Domain and Amenity

### Overview

In each of Burwood's centres and corridors, Council aims to develop high quality public spaces, improve the public domain and pedestrian linkages between activity areas, and facilitate active streets for shopping, business and recreation.

### Aims

- To establish positive public images for the centres and corridors
- To integrate the residential and commercial characters of the Town and Local Centres
- To encourage active streets within the centre's main shopping and business precincts
- To integrate building street front setback areas with the function and character of streets
- To provide safe and pedestrian friendly environments in streets and laneways including for people with a mobility impairment
- To improve pedestrian linkages, and create meeting places and focal points for community activities in the Town Centres
- To enhance the pedestrian and visual amenity of the streetscapes
- To maximise solar access to major public open space.

#### 3.11.1 Public Domain – Burwood Town Centre

The overall public domain strategy for the BTC is illustrated in **Figure 57**. It shows the interrelationships between the various public domain and amenity provisions and the goals that Council is seeking to achieve in the long-term.

**Advisory Note:**

Areas may be in private ownership but are used by the general public, thereby also considered as public domain.

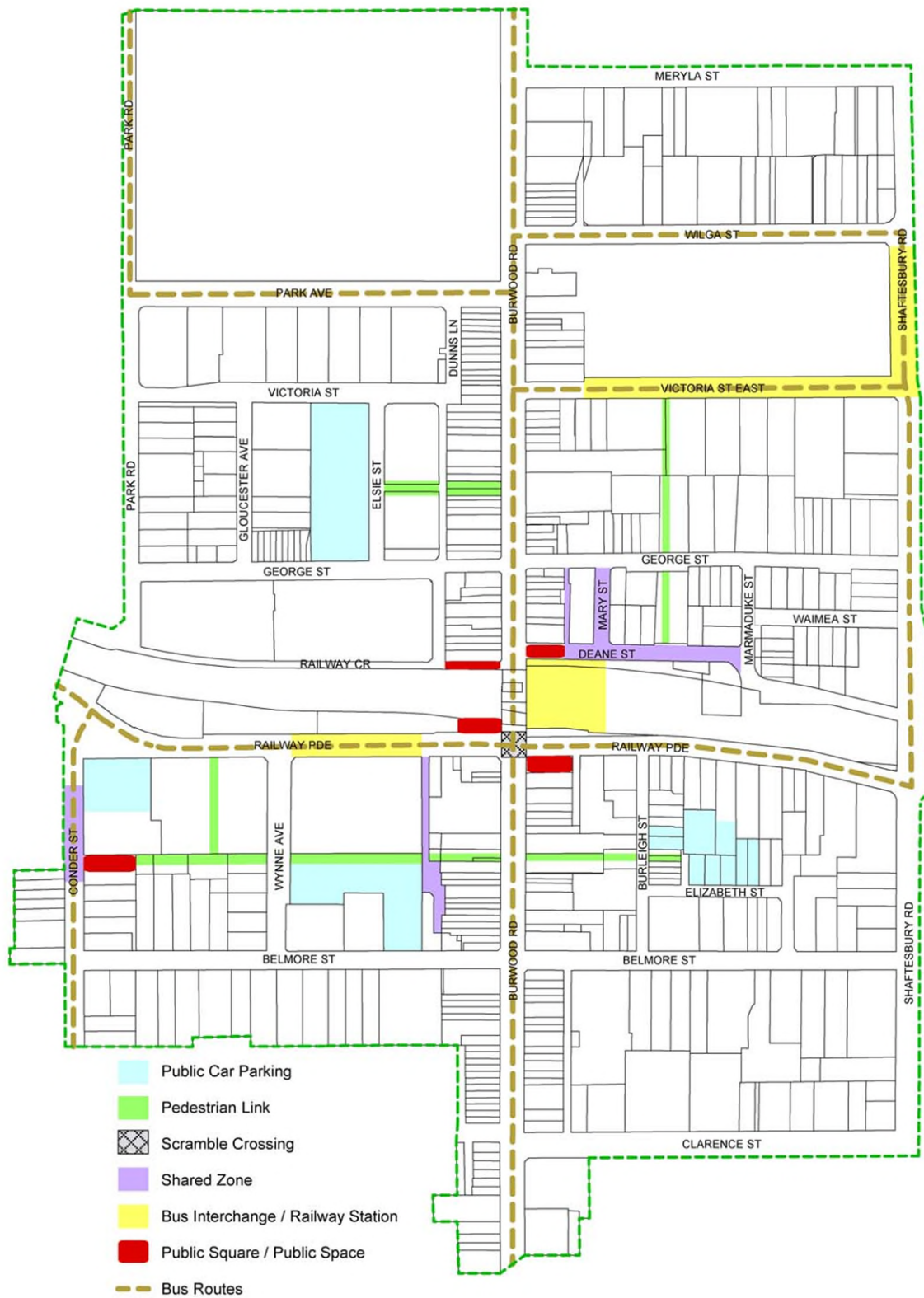


Figure 57. Public Domain Strategy – Burwood Town Centre



### 3.11.2 Public Squares and Forecourts

#### Objectives

- O1** To provide public squares and forecourts that are safe, accessible, comfortable and active for day and night use.
- O2** To separate pedestrian and vehicular movements.
- O3** To provide for a variety of passive and active uses.

#### Provisions

**Advisory Note:**  
**Figure 57** indicates the general location of existing and proposed public squares and forecourts within the BTC.

- P1** The ground levels of developments that are adjacent to/have frontage to designated public squares and forecourts must provide active uses which address and define the edges of the squares and forecourts, and upper levels must enable casual surveillance.
- P2** Developments must provide access to designated public squares and forecourts that is suitable for people with mobility impairment.
- P3** The squares and forecourts must be unobstructed by buildings, open to the sky and have direct and physical linkages into and through the squares and forecourts.



**Figure 58. Seating and Furniture in a Public Square**



Figure 59. Proposed Public Squares and Forecourts

### 3.11.3 Pedestrian Links

#### Objectives

- O1** To improve the pedestrian network in the BTC by providing well-located, safe and attractive pedestrian links between existing streets.
- O2** To increase the permeability of the pedestrian network by providing pedestrian links through private development.
- O3** To maintain an open character in the pedestrian link, ensure sufficient building separation and provide adequate solar access.

#### Provisions

- P1** Existing pedestrian links must be retained or replaced.
- P2** New pedestrian links are to be provided in the indicative locations illustrated in **Figure 60**. A pedestrian link can be in the form of an arcade or a pathway. The exact location and form of a pedestrian link in each case will be determined as part of detailed development planning.
- P3** Existing and new pedestrian links should complement and link with each other to improve the pedestrian network.
- P4** Any pedestrian link must:
  - Have interactive uses and provide casual visual surveillance.
  - Be obvious and direct through-ways for pedestrians.
  - Minimise barriers to mobility through the link.
  - In the case of an arcade, provide public access from at least 6am to 10pm daily. If it is a pathway, provide and maintain uncontrolled (no gates, doors or the like) public access at all times (24 hours a day, 7 days a week).
  - Have a minimum width of 4.5 metres, clear of all obstructions and where possible a width of 6 metres (except for the pedestrian link between Hornsey Street and Clarendon Place).
  - Have signage at the street entries indicating public accessibility and the name of the street to which the connection links.



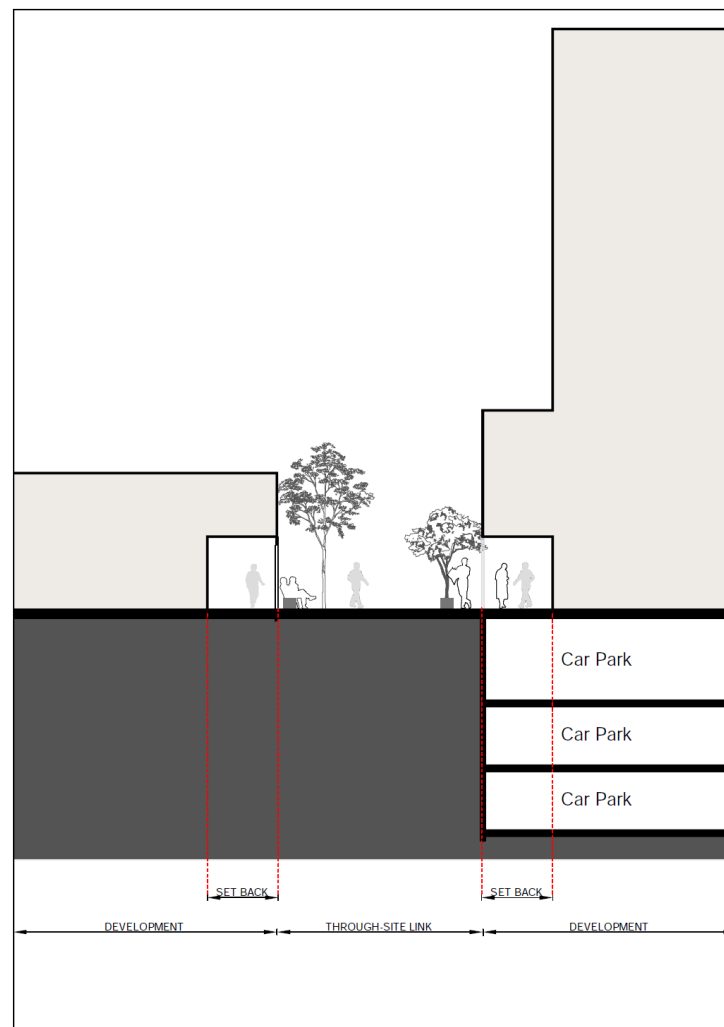
**Figure 60. Pedestrian Links in Burwood Town Centre**

*Pedestrian Link between Hornsey Street and Clarendon Place*

**P5** This pedestrian link must:

- Have a minimum width of 9 metres
- Be unobstructed by buildings and open to the sky for all of its width except where consent is given to the provision of awnings cantilevered from buildings located on land fronting the pedestrian link, and such awnings must not encroach on the width by more than 30%.

- Be activated by entrances to retail, office and residential uses.
  - Minimise barriers to mobility through the link including through compliance with AS 1428.1-2009 – Design for access and mobility - General requirements for access - New building work.
  - Have clearly identifiable access points that interact with the active edges of retail and business uses at ground level.
  - Be landscaped in accordance with Council's Public Domain Plans as amended, and be of species selected from Council's Street Tree Management Strategy.
- P6** Passive surveillance from the upper levels of balconies and living areas must be provided.
- P7** Where any outdoor retail activity is proposed, the shopfront must be setback from the pedestrian link, as shown in the **Figure 61**.



**Figure 61. Setbacks for the Hornsey Street – Clarendon Place Pedestrian Link**

### 3.11.4 Lanes

#### Objectives

- O1** To retain and develop lanes as useful and interesting pedestrian connections as well as for service access.

#### Provisions

- P1** Existing lanes in the BTC should be retained (refer to **Figure 62**).
- P2** Where development has a frontage to a lane that is also a pedestrian route, the environment of the lane must be improved by providing design details that create visual interest and improve public safety and amenity.



**Figure 62. Location of Lanes within the Burwood Town Centre**



### 3.11.5 Treatment of Street Front Setbacks

#### Objectives

- O1** To improve the relationship between the public domain and development on private land.
- O2** To facilitate improved pedestrian movement, activities and access in the public domain.

#### Provisions

- P1** In the Commercial Core and Middle Ring Areas, where a street front setback of development is required in **Figure 28**, the setback area is to be treated and upgraded in a manner consistent with the requirements for the public domain immediately in front of the development. A right of pedestrian and vehicle movement by way of an easement in Council's favour in accordance with a Section 88B Instrument under the Conveyancing Act 1919 over the setback area is to be placed on the title of the land.
- P2** In the Perimeter and Transition Areas, where a street front setback is required in **Figure 32**:
  - Where the development is wholly for residential purposes, the setback area remains part of the common property of the residential development and is to be landscaped and maintained accordingly.
  - Where the development is for mixed use or non-residential purposes at street level, and the setback is 3m or more, the setback area is to be treated and upgraded in a manner consistent with the requirements for the public domain immediately in front of the development. A right of pedestrian and vehicle movement by way of an easement in Council's favour in accordance with a Section 88B Instrument under the Conveyancing Act 1919 over the setback area is to be placed on the title of the land.
- P3** Where a street front setback is required and the development is for non-residential purposes at ground level, the provision of cantilevered awnings over the setback area is encouraged.

### 3.11.6 Public Domain Finishes and Elements within Development

#### Objectives

- O1** To ensure that there is a high quality public domain through coordinating designed elements.
- O2** To ensure that development provides for high quality public domain elements and finishes.

#### Provisions

- P1** Appropriate lighting must be provided in publicly accessible areas of development that responds to a range of environmental factors such as location, scale and streetscape, to highlight architectural features, incorporate banners and art. These must be cost effective in power usage and maintenance. Solar powered lighting options are encouraged.

- P2** Where publicly accessible areas are provided within a development, all elements including paving, street furniture, planting, fences, kerbs and drainage must be provided to a standard not less than would be required in Council's Public Works Elements Manual (Final Draft June 2006).

### **3.11.7 Solar Access to Burwood Park**

#### **Objective**

- O1** To ensure that there is adequate solar access to Burwood Park

#### **Provision**

- P1** Development must not cast shadows over Burwood Park between 10.00am and 2.00pm on 21 June.

### **3.11.8 Acquisition of Land for Traffic Management and Open Space**

This section deals with Council's strategy to acquire certain land in the BTC to improve traffic management and public open space provision. Council's acquisition strategy is additional to the inclusion of parcels of land in the Land Reservation Acquisition Map of the BLEP 2012.

#### **Objectives**

- O1** To ensure the proper management of traffic on roads in the BTC as the Centre grows and develops by acquiring additional land for road widening.
- O2** To ensure the provision of additional open space in the BTC to cater for growth in the resident population, workforce and visitors to the Centre
- O3** To acquire the land for this purpose through negotiation with the land owner at an opportune time to be agreed between the landowner and Council.

#### **Provisions**

- P1** The following parcels of land that are indicated by designation on Figure 30 are part of an acquisition strategy by Council for the purpose indicated:
- A, being part of Lot C in DP 411585 (47-47A Burwood Road) - road widening.
  - C, being part of Lot 1 in DP 198 (118-120 Burwood Road) - road widening.
  - F, being Lot 1 in DP 102952 (currently pedestrian walkway) - road widening.
  - G, being Lot 1 in DP 330221 and Lot 1 in DP 71397 (49-51 Burwood Road) - road widening.
  - H, being Lot 2 in DP 222750 (168 Burwood Road) - local public open space.
- P2** The land parcels will be acquired at an opportune time agreed by both the landowner and Council, such as purchase by Council when a property is placed on the market, or via an agreement for dedication of the land to Council as part of a redevelopment application.

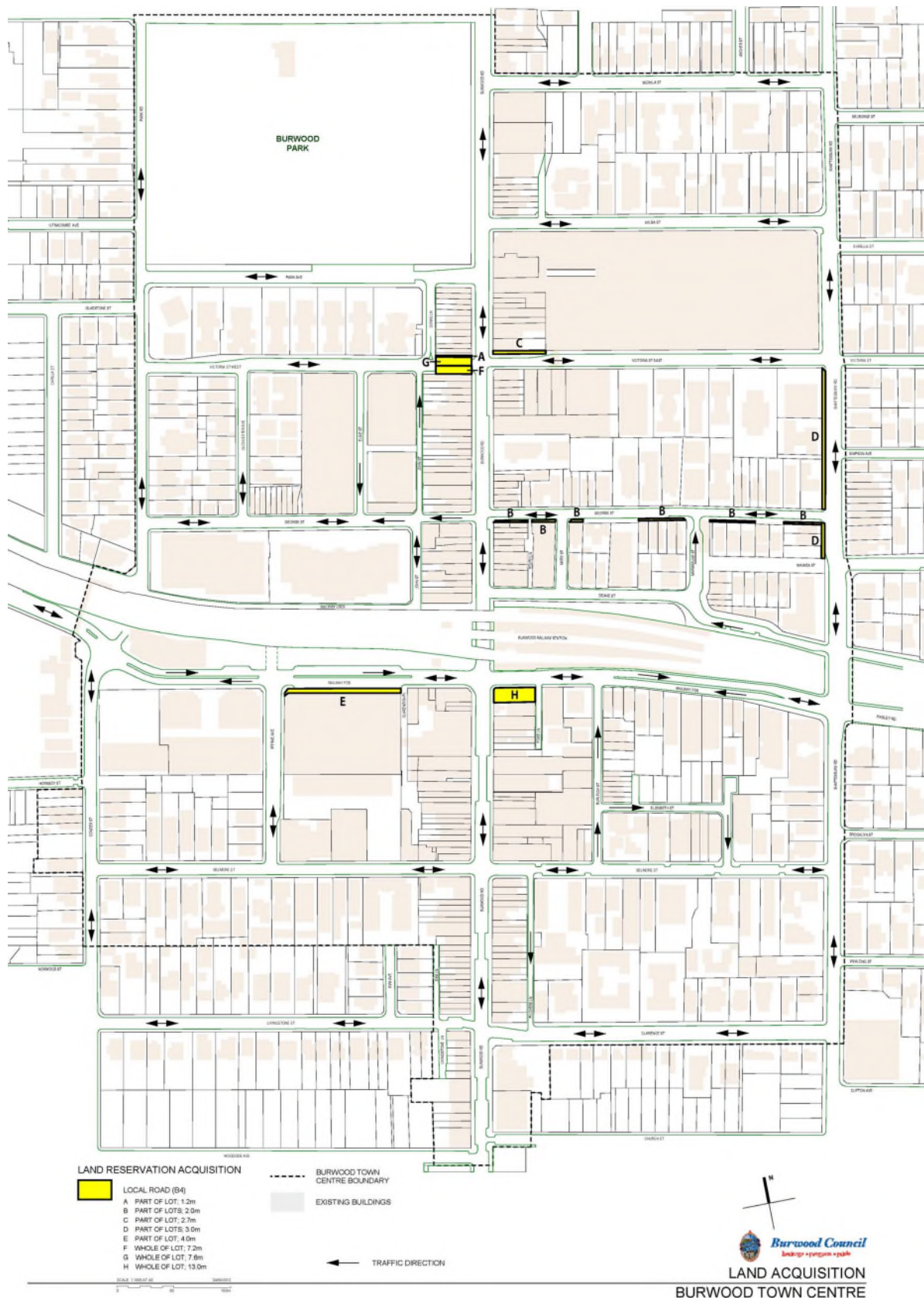


Figure 63. Land Reservations for Acquisition in Burwood Town Centre

### 3.11.9 Access and Mobility for the Public Domain

#### Objective

- O1** To ensure the public domain is designed and constructed to facilitate access by the community including those with mobility impairment.

#### Provisions

- P1** The public domain surrounding and/or immediately adjacent to any development proposal must be upgraded to Council's current standards at the applicant's cost.
- P2** Wherever a pedestrian way meets a roadway which facilitates pedestrians traversing the roadway, laybacks in the kerb must be provided at suitable gradients to allow access for persons with mobility impairment.
- P3** Tactile indicators must be provided on the ground immediately adjacent to the approach and departure sides of any changes in floor levels in the public domain which incorporate a step, ramp, stepped ramp or the like in accordance with AS 1428.4.

#### Further Reference:

Refer to Australian Standards 1428.1,2,3 and 4, Design for access and mobility as relevant for further information on ramps and tactile surface indicators.

#### Other Centres

##### **Advisory Note:**

This subsection does not apply to the Parramatta Road B6 Corridor.

#### Objectives

- O1** To improve the quality and function of the public domain of streets in the Centre.

#### Provisions

- P1** Ensure provision of continuous awnings in streets where the 0m street front setback applies.

##### **Advisory Note:**

Awnings are to comply with provisions of Section 3.2.20 - Awnings in Centres and Corridors.

- P2** Appropriate lighting must be provided in publicly accessible areas of development that responds to a range of environmental factors such as location, scale and streetscape, to highlight architectural features, incorporate banners and art. These must be cost effective in power usage and maintenance. Solar powered lighting options are encouraged.
- P3** Establishment of new "through-site" pedestrian routes where a development comprising commercial floor space at ground level has frontage to parallel streets will be considered by Council as part of the planning and application assessment process for major sites.
- P4** Where pedestrian links are provided or where development has frontage to existing public laneways the provisions of Section 3.6 will generally apply and the design of the development must demonstrate adequate compliance with these provisions.

- P5** The development of sites with frontage to The Boulevard that also have frontage to a rear lane or right of way is to provide for all service and parking access from the rear lane or right of way.
- P6** Where publicly accessible areas are provided within a commercial development at ground level, all elements including paving, street furniture, planting, fences, kerbs and drainage must be provided to a standard not less than would be required in Council's Public Works Elements Manual (Final Draft June 2006).
- P7** Where a street front setback is required and the development is for non-residential purposes at ground level, the provision of cantilevered awnings over the setback area is encouraged. Such awnings must not extend more than 3m from the front facade of the setback building or beyond the street front boundary of the development site.

## **4 Development in Residential Areas**

### **4.1 Residential Flat Buildings in R1 Zone**

#### **4.1.1 Introduction**

This section applies to residential flat buildings that are permitted with consent in the R1 General Residential zone in the BLEP 2012. A residential flat building means a building containing three or more dwellings, but does not include an attached dwelling or multi dwelling housing. The development standards applying to land in the R1 zone permit different scales of residential flat buildings in different locations.

The provisions of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) and the accompanying ADG will apply. As well as this DCP section, applicants should have regard to these documents when preparing their development proposal. In the event of an inconsistency between the ADG and a provision within this DCP, the DCP will prevail to the extent of that inconsistency.

Some shop top housing (defined as one or more dwellings located above ground floor retail premises or business premises) in residential zones will be assessed in the same manner as residential flat buildings. This is outlined in Section 4.2 below.

Appendix 3 of the ADG specifies the submission requirements that Council will apply for residential flat buildings. A Registered Architect must design a residential flat building. Before determining an application, Council may obtain independent advice on the design quality of the residential flat building relative to the principles outlined in SEPP 65, and also the provisions within the ADG and this section of the DCP.

The provisions within this section of the DCP address the three key aspects of planning and design for residential flat development and shop top housing being:

- Site Planning – how buildings responds to the site, neighbours and streetscape with provisions creating a basic building envelope.
- Building Design—the aesthetic and functionality of building facades with provisions refining the building envelope.
- Site and Building Amenity—provisions for internal and external building amenity with provisions addressing the finer details of the building.

#### **4.1.2 Development Controls**

##### **Site Planning**

##### **Objectives**

- O1** To ensure new development responds to its context (e.g. streetscape and adjoining properties) and site elements (e.g. landscaping and services).
- O2** To ensure new development provides appropriate levels of amenity for the private and public domain.
- O3** To ensure the street setback enhances the setting of the building, and that side and rear setbacks create usable land for landscaping and maintain amenity between neighbouring sites.
- O4** To encourage the efficient use of land.



**Provisions***Height and Floor Space Ratio*

**P1** The development standards in the BLEP 2012 apply.

*Setbacks*

**P2** The front setback of a building is to be a minimum of 6m.

**P3** Side and rear setbacks must comply with the following numerical standards:

Building Component	Minimum Setback from Side and Rear Boundaries
Ground floor	2.0 metres
First floor	3.5 metres
Second floor	5.0 metres and comply with ADG building separation requirements
Third floor and above	1.0 metres additional per floor above second floor and comply with ADG building separation requirements

**P3A** Notwithstanding P3, where a side or rear boundary is contiguous with a heritage property the minimum setback is 5m for the building at or above ground level, and 4m for any underground excavation, irrespective of the setback of the heritage building from its boundary or landscaping of that setback. Fire stairs pump rooms or similar structures are not permitted in the setback area.

Development of a residential flat building adjacent to a heritage item should also have regard to the character of the heritage property, such as responding to its landscaping, front fence, character, generous setbacks, open front yard, and the like.

**P4** Setback areas must be free of projections or encroachments, except for at-grade landscaping, to protect the amenity and privacy of adjoining properties and streetscape.

*Length of Building Facades*

**P5** The maximum frontage length of a building facing a street is 45 metres.

**P6** The side façades of buildings are to include articulation elements at least every 10 metres.

**P7** Breaks between buildings are to be aligned with streets, lanes or regional views where possible.

*Minimum Site Frontage*

**P8** A residential flat building shall not be erected on an allotment of land having a frontage of less than 20 metres.

**P9** Site consolidation is encouraged to promote efficient use of land.

*Minimum Site Area*

**P10** Any development with a height over 9 metres is generally required to have a minimum site area of 500 square metres.

**P11** Council will only consider a development with a minimum site area below 500 square metres where the Council is satisfied that:

- The development demonstrates design excellence.
- The development provides a good response to the streetscape and surrounding development (in terms of both existing and future development).
- The development provides full compliance with parking requirements without the use of automated or mechanical car parking systems.

#### *Site Isolation*

- P12** The creation of isolated sites (i.e. with less than 20 metre frontage) is discouraged. Where an isolated site may result, the applicant for a development must demonstrate that negotiations between the owners of the property(s) commenced at an early stage that was prior to the lodgement of the Development Application. Where no satisfactory result is achieved, the Development Application must indicate that negotiations included genuine offers based on at least one recent independent valuation and included reasonable expenses likely to be incurred by the owners in the sale of the property(s).
- P13** Where a development may result in the creation of an isolated site the applicant must demonstrate that orderly and economic use and development of the separate sites can be achieved that is consistent with the planning controls. Such demonstration is achieved by the applicant providing a building envelope for that site, indicating height, setbacks, resultant site coverage and/or built area (building and basement), sufficient to understand the relationship between the development and that site, the likely impacts the developments will have on each other, impacts on solar access, visual and acoustic privacy, and the character of the streetscape, and traffic impacts if that site is on a main road.

### **Building Design**

#### **Objective**

- O1** To ensure the appearance of new development defines and enhances the public domain through modulation, articulation, materials, use of superior external materials and finishes, active ground floor uses and sensitivity to heritage items and conservation areas.

#### **Provisions**

##### *Building Facades and General Guidelines*

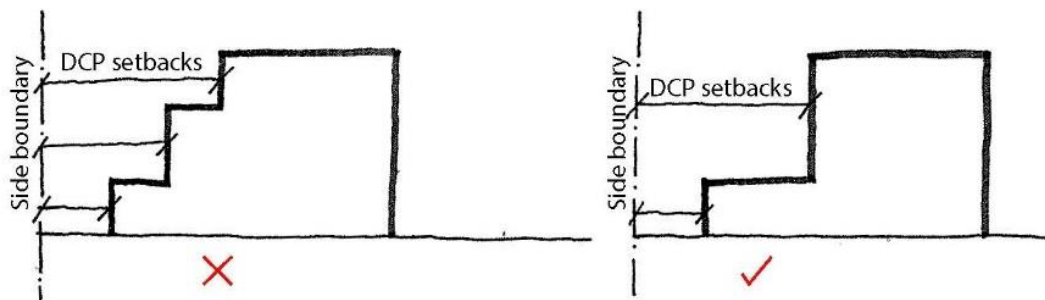
- P1** Each street façade must be articulated into smaller components using building elements (materials, floor slabs, balconies, window and door elements, roof forms and the like) at a scale or grain that reflects the use of the building and its components its location relative to public domain elements and has a clearly defined top, middle and bottom.
- P2** Predominant scale, rhythm and modulation of the existing streetscape are to be used as a baseline to break the new facade into smaller and finer elements. Vertical planes are encouraged over horizontal planes.
- P3** Façade modulation/ articulation should reflect the key datum lines of the adjacent heritage or local contributory items.
- P4** Uninterrupted blank wall is to be avoided in all visible parts of the façade from the public domain or adjacent neighbourhood. Blank wall should demonstrate visual interest through articulation and material integrated with the overall façade design.



*Modulation and articulation of the blank wall to enhance the visual character of the building.*

*Source: ADG, 4M*

- P5** A simplified response to the BDCP required side and rear setbacks and separation distances is encouraged.

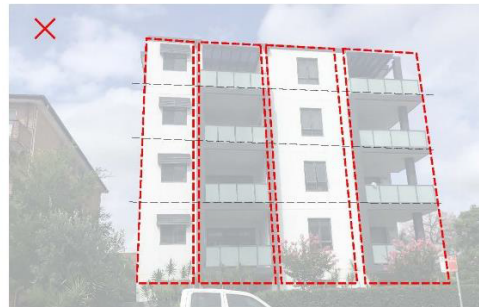


- P6** Front and rear façades are to include 60% - 70% windows and balconies of habitable rooms.
- P7** A minimum of 30% - 50% of side façades should include windows and balconies of habitable rooms. Where building separation distances are less than the ADG guidelines, features are encouraged to redirect views to avoid adverse privacy impacts.
- P8** A minimum of 70% of the northern façade is to include windows and balconies of habitable rooms.
- P9** Horizontal Shading on the northern façades and vertical shading for eastern/western facades are encouraged to control heat gain and glare to the internal areas.
- P10** New developments on corner sites should orient to both street frontages.
- P11** Accentuate the corner's unique location with architectural features that actively engage the public realm and create a visual presence at the corner, such as:
- Chamfered or rounded corners
  - Different material and colours
  - Recessed balconies or windows
  - Vertical articulation/modulation
- P12** Corner entrances should address the two street frontages.



*Changing the façade material, articulation or colour to highlight prominent corners.  
(Source: ADG, 4M)*

- P13** Integrate building service elements, such as drainage pipes, grilles, screens, ventilation louvres and car park entry doors into the overall façade design.
- P14** A variety of architectural modulation, rhythm and fenestration is required to enhance the façades visual character.



- P15** Openings are to be recessed at a minimum of 100mm to add depth to the façade.
- P16** Recessed balconies are preferable to provide privacy, protection and depth to the façade.
- P17** Sliding louvred panels screening the balconies are encouraged to add visual privacy and control the solar access.
- P18** Residential flat buildings of 5 storeys and more should have a distinguished base, middle and top in their façade design. New buildings up to 4 storeys and below should have a distinguished base and top.
- P19** The pedestrian entries to buildings shall be readily apparent from the street, and that part of buildings adjacent to the public street shall have living room or kitchen windows facing the street.



*Recessed openings add depth to the overall façade. (Source: GMU Library)*

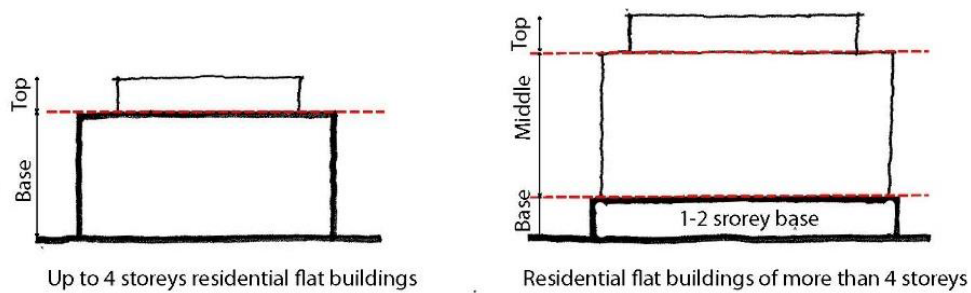
#### *Building Base*

- P20** This applies within the first 1-2 storeys of the residential flat buildings with 5 storeys and more.
- P21** A clearly defined base is encouraged through the use of different materials, textures and articulation to reinforce the character of the public domain.



*Example of a clearly defined base, middle and top. (Source: Google)*





- P22** Differentiating building entrances is required through different materials, textures and articulation.
- P23** Parking entrances are to be encapsulated within the building envelope on primary and secondary elevations that have direct access to a public road and are to have a maximum aperture or length of 6 metres.
- P24** Service/parking entrances are to be integrated with the overall façade design using quality material and finishes.
- P25** All materials surrounding the entry and lining the inside or any part of ramps that are visible from the public domain when security grills are open are to be integrated with the overall design and be of high quality materials and finishes.



**Figure 64. Examples of parking entrances encapsulated within the building envelope**

- P26** The base is to be integrated with the landscape character of the building. Using natural material such as brick and sandstone with recessive colour to blend the building with its natural context is encouraged.



*Building Middle*

- P26** Façade segments are to be articulated with different façade planes, materials and textures every 10-15m.
- P27** Façade rhythm and articulation should reinforce the predominant scale of the adjacent developments.

*Roof Top and Roof Gardens*

- P28** Roof design is to be integrated with the overall built form and respond to the predominant roof character of the surrounding neighbourhood. A roof termination or a distinctive roof design is encouraged.
- P29** Different façade expressions including articulation, material, parapet, colour and texture to differentiate the top level and roof are encouraged.



*Examples of the roof character integrated with the overall façade design.  
(Source: GMU Library, Google)*

- P30** Visually recessive building tops to create greater aperture to the sky and reduce the perception of bulk and scale are encouraged.
- P31** Rooftop design should take into account potential views from surrounding taller buildings. Green roofs and roof gardens or patios will enhance rooftop appearance from surrounding buildings.
- P32** The design of the roof should respond to the orientation of the site, minimise the visual intrusiveness of service elements (which should be integrated with the roof design) and facilitate the use of the roof for communal open space.
- P33** Residents shall have access to rooftop and podium gardens wherever possible. At least 50% of the roof area shall be vegetated with grasses, shrubs and trees.
- P34** Planter boxes must be located at the perimeter of rooftop gardens to minimise overlooking of neighbouring dwellings.
- P35** Planting containers must allow sufficient depth and volume, growing medium and irrigation to support the mature size of plants.
- P36** All planting areas on structures must be designed by a suitably qualified engineer.

### *Materials and Finishes*

BDCP Section 3.2.2 also applies to residential apartment buildings in the R1 General Residential zone.

### *Lighting and Signage*

BDCP Section 3.2.3 also applies to residential apartment buildings in the R1 General Residential zone.

## **Site and Building Amenity**

### **Objective**

- O1** To ensure the design of internal and external amenities is functional and enhances the quality of the environment for occupants

### **Provisions**

#### *Private Open Space*

- P1** Private open space may be in the form of courtyards, decks or balconies and is to be provided for every dwelling in a development.
- P2** Private open space is to have a northern aspect where practicable.
- P3** Private open space is to be directly accessible from the living area of the dwelling and capable of serving as an extension of the living area.
- P4** Planting beds, screen walls and solid-walled balconies should be used to achieve a high level of privacy for a dwellings private open space.

#### *Communal Open Space*

- P5** A minimum of 25% of the site area must be allocated for communal open space. It must have a minimum dimension of 6 metres and 50% of communal open space must be unpaved soft landscaped area.
- P6** Communal open space is to present as a private area for residents only, include passive surveillance from the adjacent living areas of dwellings and provide for active and passive recreation needs.
- P7** Communal open space may be in the form of roof areas and ground level and elevated gardens, but does not include indoor recreation areas. It should have a northerly aspect where practicable.
- P8** Communal open space must achieve visual and acoustic privacy, safety and security.
- P9** Communal open space must achieve good amenity in terms of natural airflow, outlook and solar access. At least 30% of the communal open space area is to achieve 2 hours of direct sunlight between 9.00am and 3.00pm on June 21.

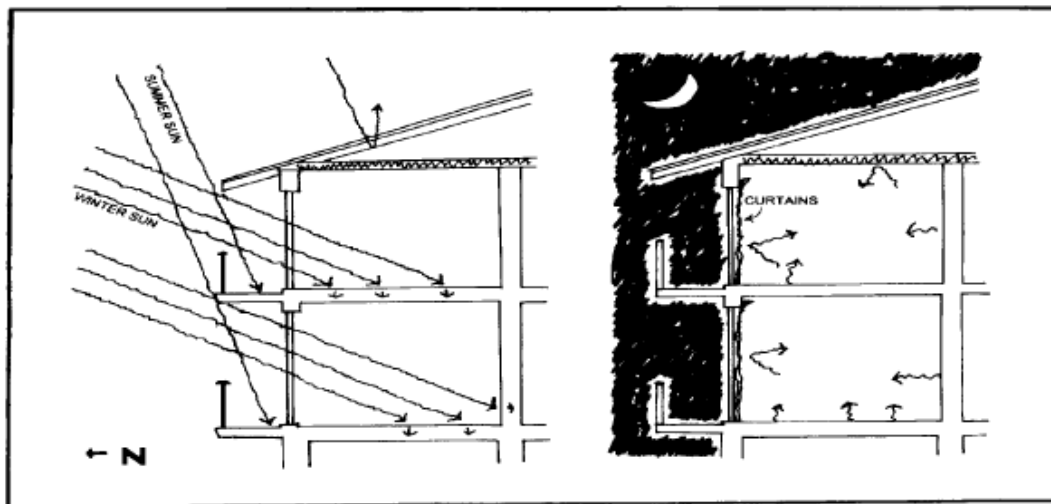
#### *Landscaping*

- P10** A minimum of 10% of the site area is to be deep soil and have a minimum dimension of 4 metres.
- P11** It is expected that 25% - 30% of the site be landscaped (inclusive of the deep soil zone). Landscaped area includes all pervious surfaces, open space at ground level and open space with a minimum dimension of 1 metre.

- P12** Information on landscaping of the site prepared by a Landscape Architect or practicing Landscape Consultant shall be required as part of the development approval process.
- P13** The requirements of Council's Landscaping Code shall be complied with for the retention of existing trees and planting of new trees.
- P14** Any residential flat building with a flat roof is expected to provide a rooftop garden in accordance with Section 4.1.2 above.

*Solar Access and Natural Ventilation*

- P15** DAs are to include diagrams in plan and elevation that shows sun access to proposed apartments and the shadow impact on neighbouring dwellings from the proposal at 9.00am, 12.00pm and 3.00pm on March 21 and June 21.
- P16** At least 70% of the living rooms and private open spaces of the proposed apartments and neighbouring developments are to receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm on June 21.
- P17** Where the neighbouring development currently receives less than 3 hours direct sunlight to living areas/habitable rooms or to the private open space area, any additional overshadowing is to be minimised.
- P18** Apartments shall be naturally cross-ventilated, and in particular kitchens should have access to natural ventilation.



**Figure 65. Solar Access and Insulation**

*Visual Privacy*

- P19** Provide adequate building separation in accordance with the building separation requirements in the ADG.
- P20** Avoid overlooking to and from private open space and the main habitable areas of dwellings through building layout and location, design and location of windows and screening devices, balcony design and distance.

*Acoustic Amenity*

- P21** The internal layout of buildings is to be designed to reduce the effects of noise transmission through building materials and locating noise generating areas together.
- P22** The layout and soundproofing of apartments shall limit noise transmission between apartments, and from adjoining sites particularly from noise sites.

**P23** A Noise Impact Assessment prepared by a suitably qualified acoustic consultant may be required to accompany a Development Application.

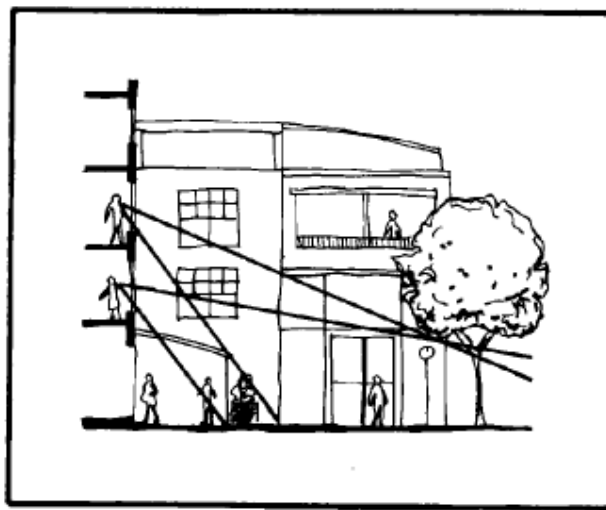
#### *Safety and Security*

**P24** Design of developments must provide personal and property security for residents and visitors and enhance perceptions of community safety.

**P25** A Crime Risk Assessment in compliance with Crime Prevention Through Environmental Design (CPTED) requirements is to be prepared by a suitably qualified consultant is required for DAs of more than 20 dwellings.

**P26** Each building shall be provided with an entry that creates a sense of identity for the development.

**P27** Buildings shall be designed to provide casual surveillance, have appropriate lighting, clearly defined territory and avoid concealed or blind spots.



**Figure 66. Casual Surveillance of the Street**

#### *Fences and Walls*

**P28** The design and materials of fences and walls must be sympathetic to the streetscape, visually attractive and complement landscape elements.

**P29** The height (as measured from the public footpath side) of the front fencing must be:

- Not higher than 1.2 metres above ground level (existing), and with a maximum solid base component of 0.9 metres high.
- Not higher than 1.5 metres above ground level (existing) if the fence follows a sloping site and is stepped to accommodate the fall in the land, and with a maximum solid base component of 1m high.

**P30** The side fence and any internal fences behind the building line are to have a maximum height of 1.8 metres.

**P31** Forward of the front building line, fences must step-down or transition to the height of the front fence.

*Facilities and Amenities*

- P32** An amenities room (for meetings etc) is to be provided where the building has more than 15 residential units. The room shall have minimum dimensions of 4 metres and be available for the use of residents.
- P33** The size, capacity and location of garbage bin areas and storage facilities, and the provision of waste chutes in residential flat buildings shall be in accordance with the Waste Management section of this DCP, which seek to encourage waste minimisation.
- P34** Clothes drying areas shall be provided within an area of communal open space or provided within each residential unit. If provided on the balcony of individual units, the drying area must be screened from exterior view, and be designed in such a way that does not detract from the building's appearance from the public domain.

*Mailbox and Postal Facilities*

- P35** Mail box and postal facilities to be included and to comply with provisions P8, P9 and P10 under Section 3.2.4 *Street-Front Activities and Building Access*. Refer to **Figure 1** and **Figure 2**.

*Fire Safety and Power Supply Utilities*

- P36** Fire safety and power supply utilities are to comply with provision P12 under Section 3.2.4 *Street-Front Activities and Building Access*. Refer to **Figure 3**.

*Mechanical and Ventilation Equipment*

- P37** Mechanical and Ventilation Equipment are to comply with Provisions 15, 16, 17, 18 under Section 3.2.4 *Street-Front Activities and Building Access*.

*Adaptable Housing*

- P38** All development for residential flat buildings in the R1 zone must provide 10% of dwellings for adaptable housing to cater for ageing in place and/or mobility impaired residents.
- P39** At least one car parking space must be provided and allocated to each dwelling required to be provided as accessible or adaptable housing under this Section and the car parking space must be accessible in accordance with the provisions of AS 1428.2 to facilitate automatic vehicular wheelchair loading and unloading.

*Car Parking and Ground Level*

- P40** Basement car parking is to be located fully below natural ground level. However, where slope conditions necessitate protrusion above natural ground level, the protrusion is not to exceed 0.75 metres. Otherwise, it will be counted as floor area.

## **4.2 Shop Top Housing in Residential Zones**

### **4.2.1 Introduction**

Shop top housing is permitted in the R1 General Residential and R3 Medium density residential zone under the BLEP 2012. Shop top housing is defined as one or more dwellings located above ground floor retail premises or business premises.

In both the R1 and R3 zones, shop top housing must occur in conjunction with neighbourhood shops which are the only permitted retail or business premises in this zone. The definition does not state any numerical relationship between the retail premises, and the number of residential units in shop top housing. However Clause 5.4 (7) of the BLEP 2012 requires that Neighbourhood shops must not exceed 80 square metres in floor area.

### **4.2.2 Treatment of Shop Top Housing**

In the R1 zone, where a development contains three or more dwellings attached to one or more neighbourhood shops, the residential component of the development will be subject to the provisions of this DCP as if it were a residential flat building.

Where a development of shop top housing comprises one or two dwellings in the R1 zone, it is likely to be low rise in character. In the R3 zone, the scale of shop top housing will be limited by the building height limit and maximum FSR development standards applying in this zone. In both these cases this DCP section does not establish any additional controls for neighbourhood shops or associated shop top housing. Such developments will be considered on a merit basis having regard to the DCP controls applying to other forms of development in the zone and the existing character of the area.



## **4.3 Multi Dwelling Housing**

### **4.3.1 Introduction**

This section mainly applies to multi dwelling housing in the R3 Medium Density Residential zone in the BLEP 2012, and also in the R1 General Residential zone where multi dwelling housing is also permitted.

Under the BLEP 2012, 'Multi dwelling housing' means three or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building. This form of development commonly is referred to as town house or villa housing.

Three or more dwellings attached to a Neighbourhood shop in the R1 or R3 zones will constitute shop top housing.

Under the BLEP 2012 the development standards applying in the R3 zone will constrain the scale of all permitted development including multi dwelling housing. In the R1 zone applicable development standards will mostly allow for more intensive development, and the scale of multi dwelling housing is likely to be constrained by the requirement for ground level access to each dwelling.

The provisions within this section of the DCP address the three key aspects of planning and design for multi dwelling housing being:

- Site Planning – how buildings responds to the site, neighbours and streetscape with provisions creating a basic building envelope.
- Building Design – the aesthetic and functionality of building facades with provisions refining the building envelope.
- Site and Building Amenity – provisions for internal and external building amenity with provisions addressing the finer details of the building.

### **4.3.2 Development Controls**

#### **Site Planning**

##### **Objectives**

- O1** To ensure new development responds to the scale and form of the existing context (streetscape and adjoining properties) and site elements (landscaping and services).
- O2** To ensure new development provides appropriate levels of amenity for the private and public domain.
- O3** To ensure the street setbacks enhance the setting of the building and maintain amenity between neighbouring sites.

##### **Provisions**

###### *Setbacks*

- P1** The front setback of a building is to be a minimum of 6m.
- P2** Side setbacks are to be a minimum of 2 metres for the ground floor level, and 3.5 metres for the first floor level or above.

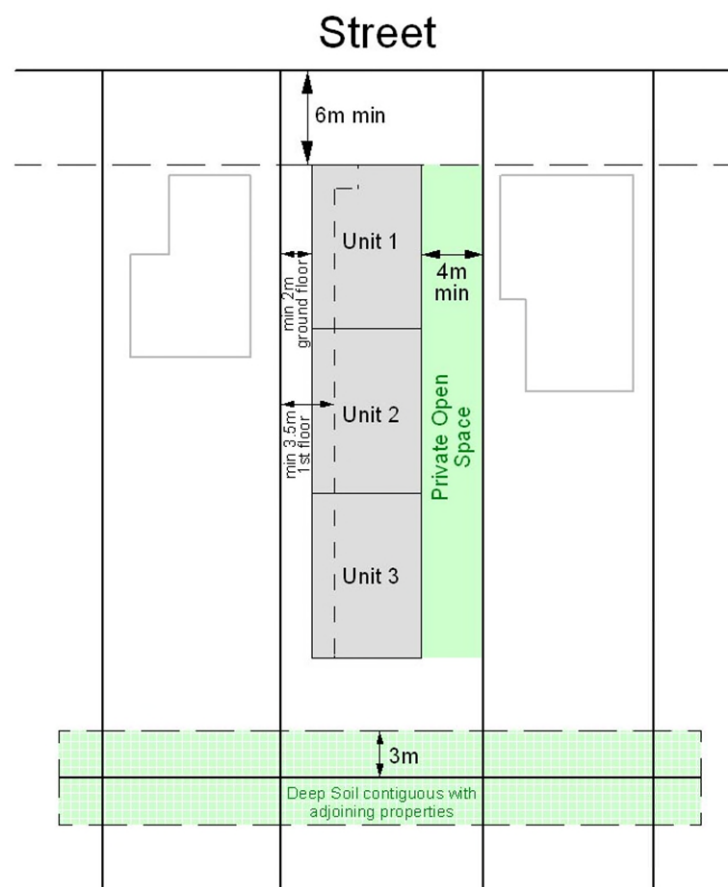
**P3** The rear setback of a building is to be a minimum of 3 metres.

**P4** Setback areas must be free of projections or encroachments, except for at-grade landscaping, to protect the amenity of adjoining properties and the streetscape.

### Building Separation

**P5** The requirements for the separation of buildings on a site are shown in **Figure 68**:

- A minimum of 12 metres between buildings within the development site where habitable rooms face other habitable rooms
- A minimum of 9m between buildings within the development site where habitable rooms face non-habitable rooms or blank walls
- A minimum of 3m metres between buildings within the development site where non-habitable rooms face other non-habitable rooms or blank walls



**Figure 67. Setback Requirements for Multi Dwelling Housing**

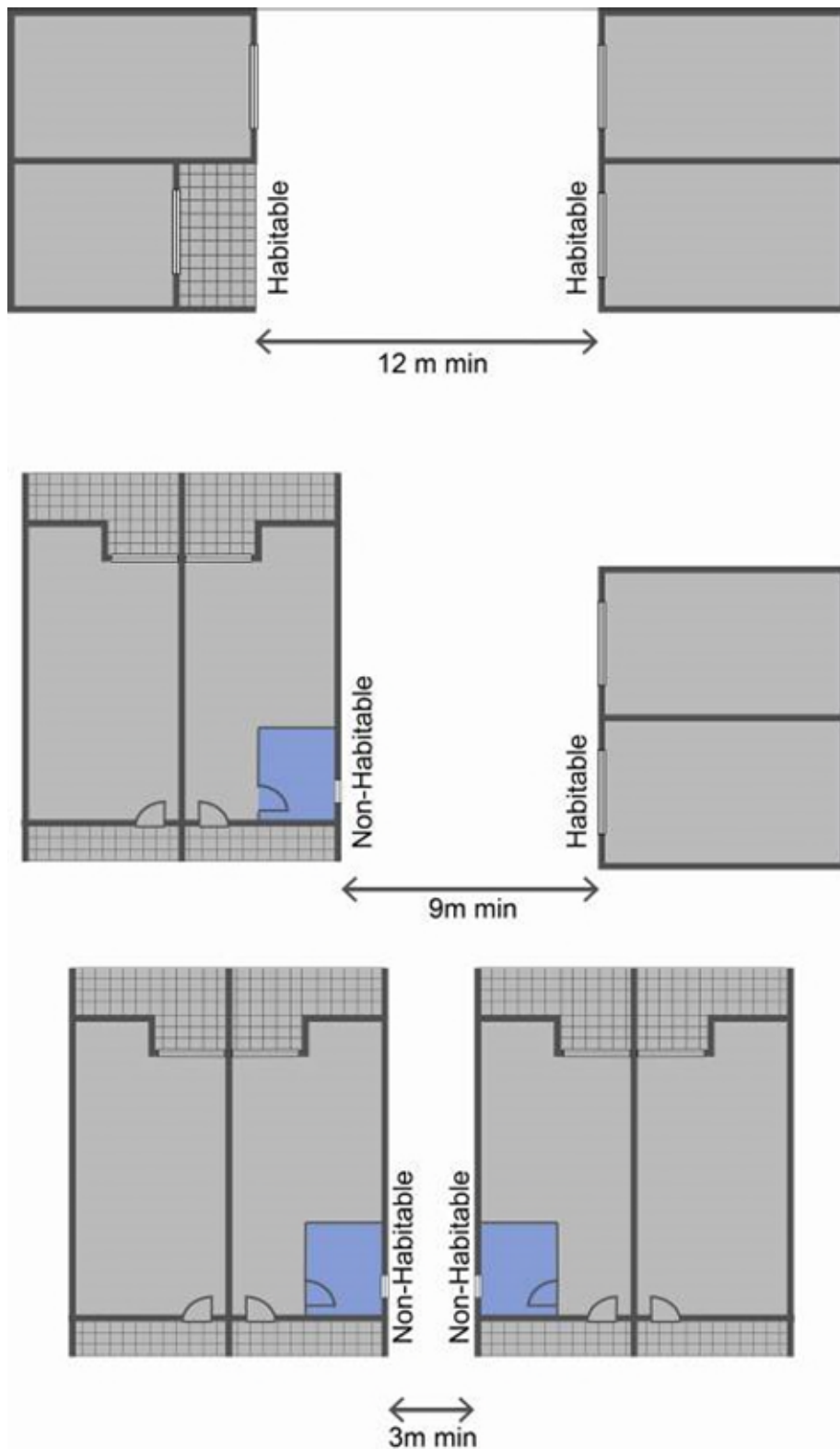
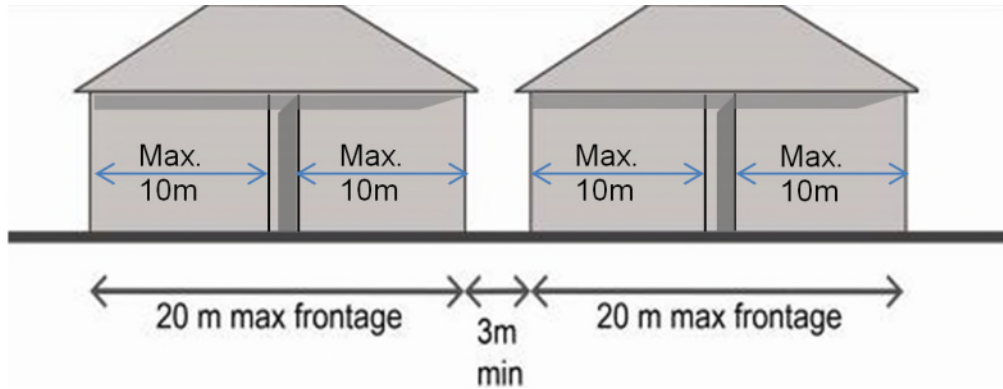


Figure 68. Building Separation for Multi Dwelling Housing

### Building Widths and Breaks

- P6** The maximum width of a building facing a street is 20 metres (see diagram below). A maximum length of uninterrupted building frontage of 10m for terrace or townhouse development in order to achieve substantial articulation in the form of an indent, recess or physical break along the length of the elevation.
- P7** Breaks between buildings facing a street should be a minimum of 3 metres wide, and where possible provide alignment with other streets, lanes or regional views (see diagram below).

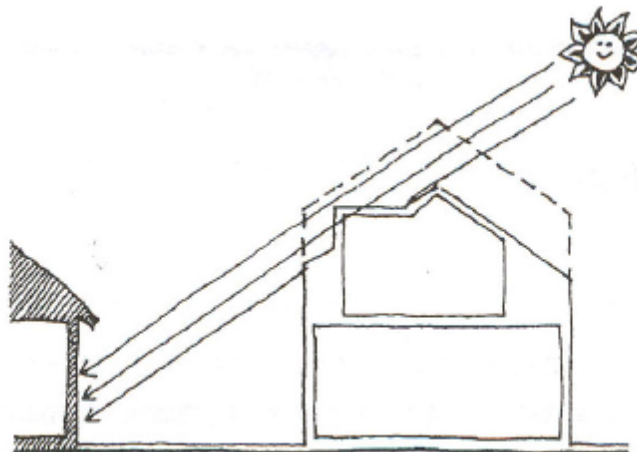


**Figure 69. Maximum Building Width and Building Breaks at Street Frontage**

- P8** A building facade within a development shall not exceed a horizontal dimension of 14 metres without adequate articulation.

### Site Frontage and Site Isolation

- P9** The minimum site frontage required for single storey development is 15 metres, and for two storey development is 17 metres.
- P10** For single storey development, attic rooms and dormer windows are allowed which must be incorporated within the roof features.



**Figure 70. Use of Attic Rooms and Dormer Windows. Source: AMCORD 19**

- P11** Site consolidation is encouraged to promote efficient use of land and avoid the creation of isolated sites.
- P12** The provisions concerning Site Isolation in Section 4.1.2 also apply to the development of multi dwelling housing.

## Building Design

### Objective

- O1** To ensure the appearance of new development defines and enhances the public domain through modulation, articulation, materials and sensitivity to heritage items and areas.

### Provisions

#### *Building Facades*

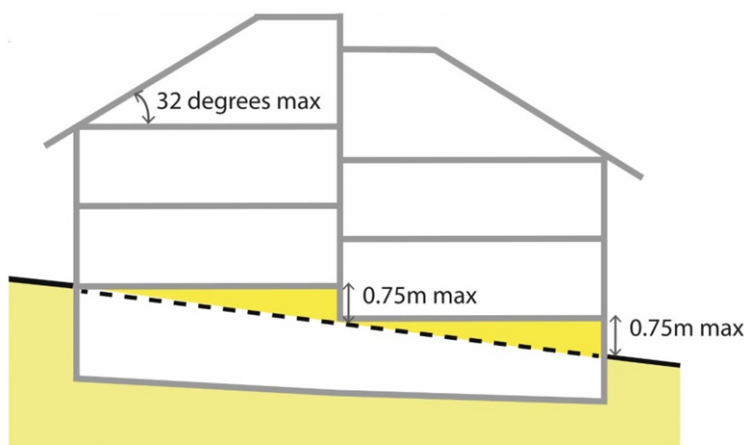
- P1** The façade elements (windows, balconies, gables) must be articulated and relate to the scale and character of the context.
- P2** A mix of building materials and colours should be used to reduce the appearance of bulk and integrate the building within the materials and colour palettes of the local area.
- P3** The frontage of buildings and their entries shall be readily apparent from the street, with buildings adjacent to the public street having a front door and living room or kitchen window facing the street.

#### *Roof Design*

- P4** The design of the roof should respond to the orientation of the site.
- P5** The design of the roof shall be integrated with the proposed built form and consistent with adjacent properties, and reduce the bulk and scale of the roof through articulation.
- P6** The maximum permitted roof pitch is 32 degrees (Refer to **Figure 71**).
- P7** Attic rooms must be contained wholly within the roof structure, however Council may consent to dormer windows and similar projections only when it is satisfied the privacy of neighbours is protected.

#### *Car Parking and Ground Level*

- P8** Where parking spaces are provided in a basement it is to be located fully below natural ground level however where slope conditions necessitate protrusion above natural ground level, the protrusion is not to exceed 0.75 metres otherwise it will be counted as floor area (Refer to **Figure 71**).



**Figure 71. Maximum Projection for Basement Car Parks on Sloping Sites and Maximum Roof Pitch**

## **Site and Building Amenity**

### **Objective**

- O1** To ensure the design of internal and external amenities is functional and enhances the quality of the environment for occupants

### **Provision**

#### *Private Open Space*

- P1** Private open space is to have a northerly aspect where practicable.
- P2** Private open space is to be directly accessible from the living area of the dwelling and capable of serving as an extension of the living area.
- P3** Private open space is to have the following minimum consolidated area and dimensions for all dwellings: 25 square metres at ground level with a minimum dimension of 4 metres in one direction.
- P4** Planting beds, screen walls and solid balconies should be considered to achieve a high level of privacy for a dwellings private open space.
- P5** Pedestrian access must be provided to private open space areas independently of access through the dwelling. This access may be through a garage area or external laundry.
- P6** Private open space in addition to the minimum 25 square metres requirement may be provided between the building and the street boundary provided it is not closer than 6 metres to the street alignment.

#### *Communal Open Space*

- P7** A communal open space area must be provided where the number of dwellings in a development exceeds eight.
- P8** Communal open space should have a minimum dimension of 6 metres.
- P9** Communal open space should have a northerly aspect.
- P10** Communal open space is to present as an area for residents only, include passive surveillance from the adjacent living areas of dwellings and provide for active and passive recreation needs.
- P11** Communal open space must achieve good amenity in terms of natural airflow, outlook and solar access. At least 30% of the communal open space area is to achieve 2 hours of direct sunlight between 9.00am and 3.00pm on June 21.

#### *Deep Soil*

- P12** A minimum of 15% of the site area is to be deep soil and have a minimum dimension of 4 metres by 4 metres.
- P13** Deep soil areas should be consolidated on the development site and should be contiguous with at least some of the communal open space area (where provided) and the deep site zones of adjacent properties.
- P14** Existing mature trees should be retained, and if this is not possible or they are not present, new trees should be provided at the rate of 2 per 100 sqm.

#### *Landscaping*

- P15** A minimum of 25% of the site is to be landscaped (inclusive of the deep soil zone).



- P16** Landscaped area includes all pervious surfaces, open space at ground level and open space with a minimum depth of 1 metre.
- P17** Information on landscaping for the development prepared by a Landscape Architect or practicing Landscape Consultant shall be required as part of the development assessment process.

#### *Solar Access and Natural Ventilation*

- P18** The Development Application is to include diagrams in plan and elevation that show sun access to the proposed dwellings and open spaces and the shadow impact on neighbouring dwellings from the proposal at 9am, 12pm and 3pm on March 21 and June 21.
- P19** Dwellings within the development site and adjoining properties are to receive a minimum of 3 hours direct sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm on June 21.
- P20** Where the neighbouring development currently receives less than 3 hours direct sunlight to living areas/habitable rooms and 50% of the private open space area, any additional overshadowing is to be minimised.
- P21** Living areas of the dwellings (kitchens, family rooms) should be located on the northern side of the dwelling, and service areas (laundries and bathrooms) to the south and west.
- P22** Landscaping should provide shade in summer without reducing solar access in winter.
- P23** All rooms should contain an external window to provide direct light and ventilation, exceptions may be considered for non-habitable rooms.
- P24** Natural cross ventilation should be achieved by locating window openings in opposing walls and in line with each other.
- P25** Buildings should be oriented to benefit from prevailing breezes.
- P26** Buildings should have narrow cross sections, providing dual aspect for dwellings to allow for cross ventilation.
- P27** Consideration should be given to attics being cross-ventilated.

#### *Visual Privacy*

- P28** Provide adequate building separation in accordance with the setback requirements.
- P29** Building layout and location, design and location of windows and screening devices, balcony design and distance should avoid or minimise overlooking to and from private open space and the main habitable areas of dwellings.

#### *Acoustic Privacy*

- P30** The layout and soundproofing of dwellings shall limit noise transmission between dwellings, and from adjoining sites.
- P31** A Noise Impact Assessment prepared by a suitably qualified acoustic consultant may be required when submitting a DA.

#### *Safety and Security*

- P32** A Crime Risk Assessment in compliance with CEPTD requirements is to be prepared by a suitably qualified consultant when submitting a Development Application for more than 20 new dwellings.
- P33** Each dwelling is to be provided with an entry that creates a sense of individual identity.

**P34** Buildings shall be designed to provide casual surveillance, have appropriate lighting, clearly defined territory and avoid concealed or blind spots.

*Fences and Walls*

**P35** The design and materials of fences and walls must be sympathetic to the streetscape, visually attractive and complement landscape elements.

**P36** The height (as measured from the public footpath side) of the front fencing must be:

- Not higher than 1.2 metres above ground level (existing), and with a maximum solid base component of 0.9 metres high.
- Not higher than 1.5 metres above ground level (existing) if the fence follows a sloping site and is stepped to accommodate the fall in the land), and with a maximum solid base component of 1 metres high.

**P37** The side fence and any internal fences behind the building line are to have a maximum height of 1.8 metres.

**P38** Forward of the front building line, fences must step-down or transition to the height of the front fence.

*Facilities and Amenities*

**P39** Garbage bin areas and external storage facilities shall be sited and designed for attractive visual appearance and function and complement the architecture and environs. The size, capacity and location of garbage bin areas shall be in accordance with the Waste Management provisions of this DCP.

*Mailbox and Postal Facilities*

**P40** Mail box and postal facilities to be included and to comply with provisions P8, P9 and P10 under Section 3.2.4 *Street-Front Activities and Building Access*. Refer to **Figure 1** and **Figure 2**.

*Fire Safety and Power Supply Utilities*

**P12** Fire safety and power supply utilities are to comply with provision P12 under Section 3.2.4 *Street-Front Activities and Building Access*. Refer to **Figure 3**.

*Mechanical and Ventilation Equipment*

**P12** Mechanical and Ventilation Equipment are to comply with Provisions 15, 16, 17, 18 under Section 3.2.4 *Street-Front Activities and Building Access*.

## **4.4 Dual Occupancies and Secondary Dwellings**

### **4.4.1 Introduction**

This BDCP section applies to all applications for development consent involving a dual occupancy or a secondary dwelling under the provisions of the BLEP 2012.

A reference to dual occupancy in this section is to be taken to also apply to a secondary dwelling, unless stated otherwise, or separate controls are provided.

### **4.4.2 Affordable Rental Housing SEPP**

Under State Environmental Planning Policy (Affordable Rental Housing) (ARHSEPP) 2009, a person may carry out development for the purposes of a secondary dwelling (i.e. granny flat) as complying development by applying for a Complying Development Certificate (CDC) from Council or an Accredited Certifier. Please refer to Clause 23 and Schedule 1 of the ARHSEPP for the provisions required for a CDC via the following link:

<https://legislation.nsw.gov.au/#/view/EPI/2009/364>

A development proposal for a secondary dwelling which does not satisfy the CDC provisions of Clause 23 of the ARHSEPP will require the submission of a DA, and the DA will be assessed under Clause 22 of the ARHSEPP, BLEP and this BDCP. Any DA submitted to Council should provide assessment against relevant requirements of the ARHSEPP, the BLEP and this BDCP in the Statement of Environmental Effects.

### **4.4.3 Development Controls**

#### **Objectives**

- O1** Assist in provision of affordable rental accommodation.
- O2** Provide additional family accommodation within an existing dwelling house or by enabling a second dwelling on the same allotment.
- O3** Ensure the amenity of residents of the dual occupancy development, as well as that of the residents of adjoining and nearby dwellings.
- O4** Ensure the compatibility of residential development with the scale of development and character of existing localities.

#### **Development Sites**

##### *Minimum Area of Allotments*

- P1** Clause 4.1A of the BLEP 2012 establishes minimum lot size development standards for dual occupancies.
- P2** Secondary dwellings will not be permitted on lots with an area less than 450 sqm.

##### *Battleaxe or Hatchet Shaped Allotments*

- P3** If an application is made to erect either an attached or detached dual occupancy development upon a battleaxe allotment, the dwellings will be limited to single storey to reduce the potential for privacy impacts on surrounding properties.

## **Building Design**

### *Height*

- P1** No building is to exceed two storeys in height above natural ground level.
- P2** Where a dual occupancy or secondary dwelling development proposes one dwelling at the property's street frontage and the other dwelling within the rear yard, the rear dwelling will generally be limited to single storey.
- P3** In areas zoned R1 or R3, Council may consider allowing both dwellings to be two storeys in part or with an attic-style first floor level. The size and location of the upper floor will be determined in the context of streetscape and amenity considerations following the applicant's preparation of a detailed site analysis.
- P4** The floor to ceiling height of the first floor level of a proposed dwelling is not to exceed 2.6 metres in height to minimise overshadowing and reduce visual bulk.
- P5** The floor to ceiling height of a ground floor level on a new dual occupancy dwelling is not to exceed 2.7 metres.

#### **Advisory Note:**

Floor-to-ceiling heights of rooms are to satisfy the requirements of Part 3.8.2 of the Building Code of Australia to ensure that the proper functioning of the room is not unduly prejudiced, nor the level of fire safety is reduced.

### *Floor Space Ratio*

- P6** The maximum Floor Space Ratio (FSR) is set out in the Floor Space Ratio Map of the BLEP 2012.
- P7** Where a dual occupancy development is proposed in a R1 or R3 zone, consideration will be given to the visual bulk and scale of the proposed development. Excessively sized dual occupancy developments will not be accepted on the basis of FSR alone, and the development proposal must demonstrate compatibility with the established streetscape character and building appearance in the locality.

#### **Advisory Note:**

For calculating the Floor Space Ratio, it is important to consult the definition contained in clause 4.5(2) of the BLEP 2012, together with the definition of Gross Floor Area in the BLEP 2012 Dictionary. It should be noted that the calculation is taken from the internal face of walls and includes all buildings within a site.

### *Built Area*

- P8** The maximum Built Area is 67%.

Built Area is determined to be the total floor area of all buildings relative to the area of the allotment of land expressed as a percentage. The calculation of Built Area shall be taken from the external face of walls (i.e. includes wall thickness) and includes the area of each floor or storey balconies, verandahs and the like, whether covered or uncovered, open or enclosed garages, carports and covered car parking (except basement car parking) and outbuildings. Built Area excludes outdoor swimming pools, paths and exterior driveways.

### *Setbacks*

The following setbacks apply for dual occupancy development and secondary dwellings:

- P9** Front setback (for the dwelling addressing the primary street frontage):
- The average of the localised existing building line for the ground floor level.
  - 9 metres to the upper level of a two storey dwelling, and the first floor level must be setback at least 3 metres beyond the ground floor façade.
- P10** Side setback:
- 900 millimetres to the ground floor level or single storey elevation.
  - 1.5 metres to the upper level of a two storey dwelling.
- P11** Rear setback:
- 3 metres setback to the ground floor level of a dwelling.
  - 6 metres setback to the upper level of a two storey dwelling.
- P12** Secondary street (i.e. side street) setbacks for corner properties:
- The existing building line to that secondary street.
  - If located in a R1 or R3 zone and both dwellings will be two storeys, the upper level must be setback at least 600 millimetres from the ground floor for the side that has frontage to the secondary street.

**Advisory Note:**

The primary street frontage will be taken to be the street to which the property is rated, or the property's narrower frontage.

*Size of Buildings*

- P13** Irrespective of the allotment size, the Council does not generally favour dwellings exceeding 450 square metres in Built Area. Applicants should submit written justification in support of larger dwellings. Buildings above this size will generally only be allowed where the allotment size, floor space ratios and the character of existing development in the area so warrants.

*Landscaping*

- P14** A minimum 30% of the front setback (i.e. front yard) is to consist of soft landscaping.
- P15** Rear yards will not be permitted to be dominated by hard landscaping.

**Development Features**

*Private Open Space*

- P1** Each dwelling is to be provided with a clearly identifiable area of private open space of at least 50 square metres adjacent to living areas to ensure the amenity of the dwelling in terms of privacy and recreation.
- P2** The private open space should also satisfy the following criteria:
- Consist of predominantly grassed area.
  - Consist of "useable space" with sufficient dimensions to enable the area to function as a private recreational area. Narrow elongated areas will not be included in the 50m<sup>2</sup> minimum open space requirement.
  - Provided behind the building alignment of each of the respective dwellings. In the case of detached dual occupancy developments, with the second dwelling at the rear of the site, the private open space area for the dwelling furthest from the street

should preferably be situated between that dwelling and the rear property boundary.

- Landscaped as to maximise the visual amenity of the development and the privacy of adjoining developments.

#### *Orientation of Buildings*

- P3** Council has preference for a dual occupancy design that positions one dwelling behind the other.
- P4** Attached dual occupancies should be asymmetrical in appearance and orientated to the street.
- P5** Detached dual occupancies should be orientated to the primary street frontage to retain the existing character of the locality. Council will not permit rear dwellings to face onto rear lanes.
- P6** Dual occupancies on corner allotments should have each dwelling facing a separate street.
- P7** Garages shall not be permitted forward of the building line.

#### *Building Appearance*

- P8** All new building work shall be of quality design and compatible with the character of the locality. The building design is to maintain, or enhance, the quality and identity of its streets, and to provide a focus and identity for the dwellings.

Design should aim to match, or exceed, the best design and detailing of development in the locality, as well as architectural quality in its own right. Materials and workmanship is to be of high quality and compatible with the style of the house.

- P9** Design should be in harmony with any adjoining or nearby heritage-listed building or other well designed and built dwellings in the area.
- P10** Attention must be given to the design of all elevations and to roof forms, window and door openings and the building features generally.
- P11** Front entries should be clearly visible and obvious from the street. An exception would be side entrances for a California Bungalow design. Where there is a side entrance, it should be indicated by design and details of paths, planting, fencing and side porch.
- P12** Rigid symmetry should generally be avoided in design, as the majority of Burwood's residential character comprises asymmetric building design.
- P13** Wide and/or long elevations should be treated to provide for visual relief in the form of setbacks, recesses and articulation which reflect changes in the plan and roof form.
- P14** Separate garages and carports must be compatible with the building style as appropriate in relation to height, roof form, architectural work, materials, etc.
- P15** A proper pattern of door and window treatment is required and should be matched with appropriate header and sill work. Windows should be of proper proportions and dimensions and should provide for uniformity in elevation. Window treatment by way of hoods, bay window design and/or timber framing may be required in appropriate situations.



- P16** The location or size of verandahs and balconies should be carefully designed in relation to adjacent garden areas and rooms within the house, as well as orientation for sun/shade and privacy for surrounding properties. Verandahs across the full width of first floor façades are generally not supported.
- P17** External stairways are not permitted to the upper floor level.
- P18** Building façade projections, recesses and the like, are to be utilised within the design to reduce the box-like and bulky appearance of large, flat, vertical elevations upon a dwelling.

#### *Streetscape*

- P19** Any new dwelling or alteration to an existing dwelling should be compatible with and complement those adjacent and nearby in the street and any new building work should positively contribute to the identity of the street and the locality.
- P20** Dwelling design should enhance the existing built form and be of similar scale, form, bulk, placement and character to those adjoining and nearby in the street. The building line for new dwellings of similar scale should be the average of adjacent dwellings.
- P21** Roofs should be of similar pitch, form and material to those generally in the street, e.g. roof gables are characteristic in some areas. Design is to continue the particular features of the prevailing character of the street, e.g. verandah treatment makes an important contribution to streetscape character.
- P22** Front and side return fences should be of similar height, material and style and are to be in character and scale with those adjoining and in the street, and in conformity with Council's controls for front and side fences in section 4.5.5.2 of this DCP.
- P23** Garages/carports should be of a scale and position so as not to conflict with the character of the houses in the street. Rear lane access should be used where available. Garage and carports are to be located to the side or rear of properties, wherever possible.
- P24** Where a second storey is appropriate and permissible, and where most surrounding dwellings are mostly single storey, a new two storey building may not be appropriate, but a first floor addition may be considered if the upper storey is substantially setback from the front elevation.
- P25** Single car width garage doors only will be permitted facing the street. Exception may be made for wide blocks of land. Double width garage doors are generally discouraged where they face the street. Garage door openings including intermediate piers must not exceed 40% of the entire width of the front elevation of the single dwelling.

#### *Privacy*

- P26** Overlooking of adjoining yards and living areas from balconies at the upper level and from living areas is to be minimised, and building layouts are to be designed in relation to window placement and sill heights and doors to maximise privacy and minimise noise effects.
- P27** Windows of habitable rooms at first floor level are to be offset relative to the side windows of adjoining dwellings. Screening devices and screen planting are to be utilised to minimise overlooking and maintain privacy between living areas and open recreation areas and to reduce loss of privacy to adjoining dwellings.

- P28** Greater separation between the building and those adjoining should be provided for increased privacy, where necessary.
- P29** Balconies are not to be located at first floor level where they overlook neighbour's outdoor living areas, unless adequate screening is implemented. Upper floor balconies will only be permitted off bedrooms and be of minimal dimensions. Living areas, including studies at the upper level are to have raised sill heights and/or translucent glazing of windows to minimise loss of privacy to adjoining dwellings.

##### *Access*

- P30** Vehicular access to and from the dual occupancy must be in a forward facing direction.
- P31** Tandem (not side by side) parking is not permitted where access to a dual occupancy is provided by a single driveway.
- P32** Access shall be via land under title to the allotment and not via a right of way across an adjoining property.
- P33** Council will not consent to development where a dual occupancy is proposed to face a major arterial road unless access is provided via an adjoining local road or by way of a consolidated driveway.
- P34** Each dwelling is to have a separate and clearly identifiable entry that is easily accessible from the front road and parking areas.

##### *Energy Efficiency*

- P35** Where ever possible regard should be given to improving energy efficiency. Energy efficient designs, materials and devices shall be considered in the construction of any dwelling. This issue is to be addressed in detail in the Statement of Environmental Effects, which accompanies the Development Application.

##### *Solar Access*

- P36** New dual occupancy development is to ensure adequate sunlight is available for occupants of new buildings and to minimise loss of winter sun to adjoining premises.
- Overshadowing in winter of adjoining premises is to be minimised, using minimum floor to ceiling heights and maximising setbacks of southern elevation walls at the upper level. Maximum use is to be made of north facing areas for windows, outdoor recreation, clothes drying, etc.
- P37** First floor sections of dwellings are preferably to be incorporated within attic rooms, to minimise overshadowing to the south. Shadow diagrams are to accompany applications for two-storey development. The height of the wall of the first floor level section on a southern elevation is not to exceed 2.6 metres above its floor level.
- P38** The southern elevation of the first floor on the minimum setback is not to exceed 10 metres in length. Council will permit extension if the wall is inset a further 2 metres as shown in Figure 42.

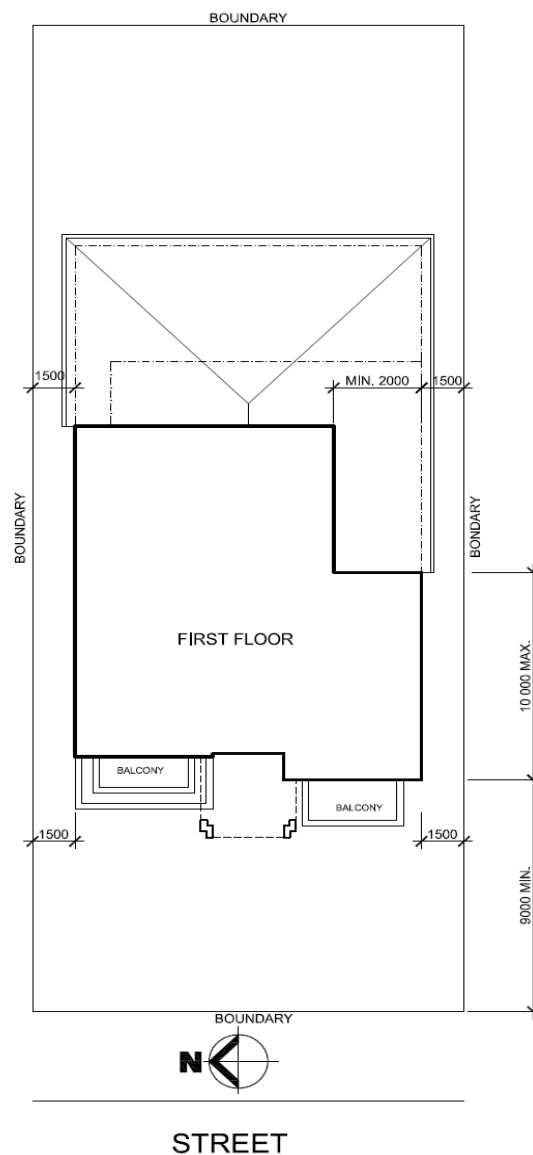
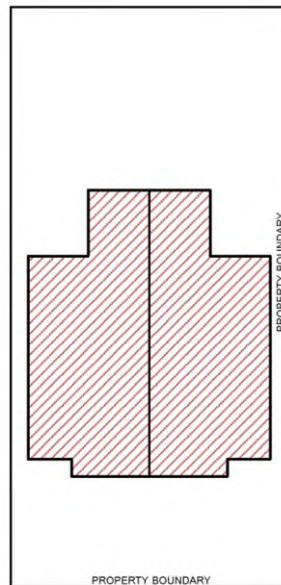


Figure 72. Setbacks to Minimise Overshadowing

### Duplex Development

Duplex refers to two dwellings on a single lot that are positioned side by side when viewed from the street. It is a form of an attached dual occupancy.



**Figure 73. Understanding Duplex Development**

- P39** Duplex development will not be supported in streets and sites subject to Building Appearance and Streetscape Provisions under Section 4.5. Refer to the map at Appendix 8.2.
- P40** Duplex development requires a minimum site frontage of 15 metres.
- P41** Duplex development will not be supported on battleaxe lots. For corner allotments, both street frontages must each be a minimum of 15 metres.
- P42** Garage door openings including intermediate piers and carports must not exceed 40% or 7.5 metres (whichever is the lesser) of the entire width of the front elevation of the duplex.
- P43** Garages and carports must not be erected within the established duplex setback and the street alignment.
- P44** A minimum of 50% of the front setback (i.e. front yard) is to consist of soft landscaping.
- P45** Duplexes must provide variation in the design of the front façade of each dwelling. Mirror imaged duplexes, incorporating protruding garages facing the street, will not be supported by Council.
- P46** Duplexes should be designed in a way to have the appearance of a typical single dwelling house when viewed from the street.
- P47** Garaging of more than two cars (i.e. one for each dwelling) is considered excessive. The floor area of any further car space will be included in the gross floor area calculations.

**Advisory Note:**

Duplexes must comply with all other provisions of Section 4.4 Dual Occupancies and Secondary Dwellings.

### *Subdivision*

- P48** Dual occupancy and secondary dwelling developments, by definition, do not permit subdivision by Torrens Title.

**Advisory Note:**

Torrens Title subdivision may only be sought where the development is to be treated as two dwelling houses on separate lots, and satisfying the minimum subdivision lot size in Clause 4.1 of the BLEP, building separation requirements of the BCA/NCC, and Council's development controls for single dwelling houses. Council must be satisfied that each dwelling is able to function accordingly on its own lot, particularly in relation to parking provision and access, adequacy of private open space, and waste management.

- P49** Dual occupancy developments in the R2 zone will not be permitted to be subdivided by Strata or Community Title.

This subdivision control seeks to provide for reasonable levels of affordable rental housing and family accommodation without unduly compromising the values of low density residential areas. The separate titling of dual occupancy developments is contrary to these aims as it leads to sporadic concentrations of opportunistic development, limits the adaptability of dwellings to meet future needs, and negatively affects the integrity of the subdivision pattern.

- P50** A secondary dwelling will not be permitted to be subdivided under any titling system by virtue of its reliance on the principal dwelling and its small size.

### *Conversion of a Dwelling House*

- P51** Where an application is made to create two dwellings by means of conversion of a dwelling house with floor space ratio exceeding 0.55:1 and built prior to 19 June 1987, the Council may consent to the application if no increase in floor space ratio will result.

### *Existing Dwellings*

- P52** Council will not consent to a Dual Occupancy where the proposal will result in more than two dwellings. This includes cases where a dwelling is to be added to an existing building with two pre-existing domiciles.

### *Utility Services*

- P53** All water and sewerage pipes and duct work must not be visible from a public place and must meet Sydney Water's requirements.
- P54** Electricity power poles placed within the front yard of the house must be treated in colours that match the existing single dwelling and be to Council's satisfaction.

### *Drainage*

- P55** All drainage works must comply with Council's Stormwater Management Code.
- P56** Existing natural overland stormwater flow paths must not be diverted by fencing, retaining walls, buildings, paved areas or any other form of construction.
- P57** New hard paved surfaces must be kept to a minimum to prevent stormwater runoff.
- P58** Stormwater runoff from roofs, hard surfaces, swimming pools and the like must be collected, piped and drained to the kerb or an inter-allotment drainage system.

Charged lines are permitted, however these must be designed by a practicing Hydraulic Engineer.

**P59** Pits and pumps are generally not permitted, except within basement garages.

**P60** Absorption trenches are generally not permitted.

**P61** Ground floor levels must be sufficiently elevated so as not to be subject to flooding.

**P62** Soft landscaping and pervious surfaces must be maximised on the site.

**P63** A stormwater concept plan is required to be submitted to Council in accordance with Council's Stormwater Management Code.

## **4.5 Dwelling Houses, Attached Dwellings, Semi-Detached Dwellings, Ancillary Structures**

### **4.5.1 Introduction**

This BDCP section applies to all Development Applications for the development, including demolition, of dwelling houses, attached dwellings and semi-detached dwellings, as well as structures ancillary to those development types, on land in Residential zones under the BLEP 2012.

A reference to 'single dwelling' herein means a dwelling house, or one dwelling within an attached dwelling or semi-detached dwelling development.

#### **Aims**

- Ensure that new development within the Burwood LGA adopts good urban design principles.
- Ensure the maintenance of a safe locality and pleasant environment for the long-term benefit of all residents in Burwood.
- Provide attractive streetscapes by ensuring that the proposed building work integrates with surrounding development.
- Ensure that new building work is visually compatible with the existing or identified future character of the locality.
- Provide for the privacy and boundary definition of individual properties whilst maintaining the open landscaped appearance of streets in the area.
- Ensure that garage and carport design is compatible with the streetscape and the development on site.
- Ensure that fencing is sympathetic to the scale and character of the street as well as the existing development on site.

### **4.5.2 Development Controls**

#### **Building Appearance**

##### **Overview**

These Building Appearance controls apply only to streets and sites identified on the map in Section 8.2 titled *Streets and Sites Subject to Building Appearance and Streetscape Provisions*. These streets and sites have been recognised as having a high quality building appearance which should be maintained.

The appearance of single dwellings must be of a high standard to ensure that the character and visual cohesiveness of Burwood's residential areas are not diminished. Alterations to the façade of existing houses can seriously disrupt the unity of a group of single dwellings and detract from their existing character. This section encourages the use of suitable materials, sympathetic design and appropriate building practices to maintain and enhance the visual character of Burwood's residential buildings.

##### **Objectives**

- O1** To ensure that new building works achieve a level of high quality design and are compatible with the character of Burwood's residential areas.



- O2** To maintain or enhance the quality and identity of development in the areas identified in the map in Section 8.2.

### **Provisions**

#### *Design*

- P1** The design of the single dwelling must aim to match or compliment the best design and detailing of development in the area, as well as, be of high architectural quality.
- P2** Care must be given to the design of building forms and to all elevations, roof forms, windows, door openings and building features generally to ensure that the single dwelling is compatible with and complementary to its neighbours and the streetscape.
- P3** Building heights must relate to the general character of the houses in the immediate locality and in the street.
- P4** Overall massing of building volumes must be articulated or modulated to avoid a bulky appearance. Articulation must be reflected in the building and roof forms.
- P5** Wide and/or long elevations must be treated to provide for visual relief in the form of setbacks, recesses and articulations.
- P6** The front entry of the single dwelling must be clearly visible and obvious from the street. An exception to this provision is side entrances to Californian Bungalow and Interwar designs.
- P7** Where there is a side entrance, it must be clearly identified by design and detailing such as paths, planting, fencing or side porches.

#### *Materials, Workmanship and Finishes*

- P8** Materials and workmanship must be of high quality and compatible with the style of the single dwelling and with the best of surrounding development.
- P9** Appropriate materials and finishes must complement the architectural style of the single dwelling.
- P10** Samples of finished surface materials such as bricks, tiles, ridge capping, windows, doors and a schedule of paint colours must be submitted to Council as part of the Development Application.
- P11** An orderly pattern of door and window treatment is required to compliment the style of the single dwelling. Window and door openings must be finished with appropriate lintels and sills. Window panels must be of vertical proportions and must be set in solid reveals and provide for consistency in appearance.

#### *Building Elements*

- P12** Ancillary structures such as garages, carports and outbuildings must be designed to reflect the style of the single dwelling in relation to height, roof form, architecture, materials and the like. These should conform to relevant DCP controls and compliment the character of the residential area.

- P13** Window treatments such as hoods, bay window design and/or timber framing in appropriate situations may be required to enhance the building appearance.
- P14** The location or size of verandahs and balconies adjacent to garden areas and rooms within the house must be carefully designed and take into consideration the orientation for sun/shade and privacy for surrounding properties.
- P15** Balconies and first floor verandahs must be of modest dimensions so as not to facilitate excessive use and impact upon the amenity and privacy of adjoining premises.
- P16** External stairways are not permitted to the first floor level of the single dwelling or to balconies and first floor verandahs.

## **Streetscape**

### **Overview**

This section applies only to streets and sites identified on the map in Section 8.2, titled *Streets and Sites Subject to Building Appearance and Streetscape Provisions*. These streets and sites have been recognised as having high quality streetscapes which should be maintained.

The streetscape includes both public domain spaces such as the street itself and the adjoining Council owned nature strip, as well as the front gardens and front building facades of each single dwelling within the street. Since the streetscape is about the interface between the private and public domain, every new development will affect the overall picture or character of an area. Whenever a new single dwelling or major alteration or addition is planned, it must respect and contribute to the streetscape and must not intrude upon or degrade the streetscape. Council's assessment of DAs must evaluate the impact of the proposal on streetscape character.

### **Objectives**

- O1** To ensure that any new single dwelling or alteration to an existing single dwelling is compatible with and complements adjacent and nearby single dwellings in the street.
- O2** To ensure that any new building work should positively contribute to the character of the streetscape and the locality.

### **Provisions**

#### *Site Planning and Design*

- P1** Single dwelling design must preserve existing characteristics of neighbouring houses and enhance the existing built form and streetscape values. New single dwellings must be of similar scale, form, bulk, placement and character to adjoining and nearby single dwellings in the street.
- P2** The building line must be consistent with the adjacent single dwellings.
- P3** Building height at the street frontage must not exceed the height and scale of adjoining development.
- P4** Roof design, materials and detailing must be complementary to the streetscape character.

*Major Alterations and New Single Dwellings*

- P5** New attached dwellings and semi-detached dwellings will generally not be permitted on land subject to the Building Appearance and Streetscape provisions, nor within heritage conservation areas, unless the attached or semi-detached form can be established as the predominant building form in the existing locality, and the design of the new structures is sympathetic to those existing structures.
- P6** The design of major alterations must retain characteristic features prevalent in houses in the street. For example, design features such as a verandah, front gable, window awning, bay window, face brickwork or stone details should be retained or re-instated to retain and reinforce the prevailing streetscape character.
- P7** The design of new single dwellings or alterations must incorporate characteristic features prevalent in houses in the street. For example, design features such as verandah, bay window, gable or main entry must be sympathetic and contribute to the prevailing streetscape character.

*Two Storey Development*

- P8** A full two storey single dwelling would not be considered appropriate where surrounding single dwellings are mostly single storey. However, a part two storey single dwelling may be considered if the first floor is setback a minimum of 9m behind the front building line of the ground floor and located behind the main roof form of the building.
- P9** To better integrate a new first floor level into a single storey area, its height and bulk can be kept to a minimum by reducing the floor to ceiling heights, together with the use of raked ceilings and attic type rooms with suitably proportioned dormer windows, where appropriate. The style of dormer windows should be compatible with the style of the house.

*Gardens, Landscaping and Fences*

- P10** Front and side gardens, driveway entries and paths must use similar materials and methods to reinforce existing streetscape character. Planting and landscaping methods should follow existing patterns of development to reinforce the contribution of front and side gardens to the prevailing character of the streetscape.
- P11** Front and side return fences must be of similar height, material and style to be in character and scale with existing fences or those of adjoining houses and in the street generally and in conformity with the *Front and Side Fences* section of this DCP Part.

*Location of Vehicle Access, Garaging and Car Parking*

- P12** Where there is suitable side access for new garages and outbuildings they should be located to the rear of the property.
- P13** New carports may be located along a side driveway providing these are setback from the building frontage and back from any front or side verandah.
- P14** Garage door openings including intermediate piers must not exceed 40% of the entire width of the front elevation of the single dwelling.
- P15** Any paved car parking spaces and carport structures must be located behind the front building line. Access driveways are not precluded.

- P16** New driveways, paved turning areas and paths visible from the street must not dominate the front garden or impact on the streetscape values. Paving materials must be compatible with general streetscape character in terms of materials, colour, texture and extent.

**Advisory Note:**

Further provisions relating to vehicle parking, garages and carports in respect to heritage items and properties in a heritage conservation area are to be found in Section 4.7.

## **Sunlight**

### **Overview**

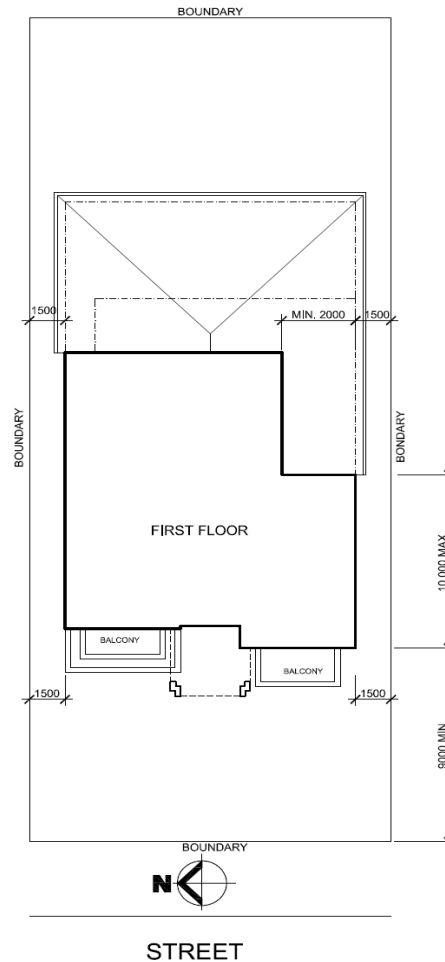
Sunlight is an important component of residential amenity as it enhances people's sense of wellbeing, has a demonstrated psychological value and promotes the growth of gardens and plants. The sun can also provide thermal benefits and solar energy for generation of hot water and electricity. It is imperative that living spaces, structures, walls and roofs have maximum access to sunlight.

### **Objectives**

- O1** To ensure that new development allows adequate sunlight.
- O2** To ensure that new development minimises loss of winter sun on adjoining premises.

### **Provisions**

- P1** All building work must minimise overshadowing to adjoining properties, particularly to the south.
- P2** Two storey single dwellings must not eliminate solar access on adjacent smaller dwellings.
- P3** The street configuration of certain lots in the Burwood LGA does not allow shadowing to be prevented. There will be some instances where dwellings may lose sunlight on narrow lots with an east to west axis this is notwithstanding that Council makes every effort to ensure reasonable solar access.
- P4** Maximum use must be made of north facing areas for windows, outdoor recreation and clothes drying, etc.
- P5** During the summer season, the sun is not to cause overheating in living areas of the single dwelling. This overheating can be reduced through effective methods such as insulation, reflective barriers and shading.
- P6** The floor to ceiling height for the first floor level of the proposed single dwelling is not to exceed 2.6m, and the ground floor level is not to exceed 2.7m. However, the floor to ceiling height for the first floor level is required to be 2.4m in respect to a single dwelling in a Conservation Area or in respect to additions to a heritage item.
- P7** Building floor levels must not be raised, where there is a slope to the site. Building heights are to be minimised by cutting of a site rather than filling.
- P8** The southern elevation of the first floor building on the minimum setback is not to exceed 10m in length. Council will permit further extension if the wall is inset a further 2 metres as shown in **Figure 74**.



**Figure 74. Setbacks to Minimise Overshadowing**

## Privacy

### Overview

Private open spaces and living areas of adjacent dwellings should be protected from overlooking. Privacy refers to both visual and acoustic privacy. The design of a single dwelling should take into consideration the visual privacy of neighbours. The design considerations include fencing, windows and private open space as well as siting and internal layout of single dwellings.

### Objective

**O1** To maintain visual and acoustic privacy for adjacent and nearby residents.

### Provisions

**P1** Detailed site and building design elements should be incorporated to increase privacy without compromising access to natural light and air. Design detailing may include:

- (i) Solid or semi-solid balustrades to balconies
- (ii) Offset windows of dwellings
- (iii) Recessed balconies and/or vertical fins

- (iv) Louvres or screen panels to windows and/or balconies to minimise overlooking and maintain privacy between living areas and open recreation areas
  - (v) Fencing
  - (vi) Vegetation as a screen between spaces
  - (vii) Pergolas or shading devices to limit overlooking
- P2** Living areas, including studies, at the first floor must have raised sill heights and/or translucent glazing of windows to minimise loss of privacy to adjoining single dwellings.
- P3** Translucent or opaque windows must be provided to all bathrooms, en-suites, water closets (i.e. toilet), and stairwells.
- P4** Building layouts must be designed in relation to window placement, sill heights and doors to maximise privacy and minimise noise effects.
- P5** To provide sufficient privacy there must be adequate building separation.

#### *Balconies*

- P6** Balconies are not to be located at first floor level where they overlook neighbour's outdoor living areas, unless adequate screening is implemented.
- P7** Balconies are not permitted on the side elevation, with the exception of single dwellings located on corner blocks, i.e. the elevation facing the secondary street frontage.
- P8** First floor balconies will not be permitted off living areas (bedroom access only) and must be of minimal dimensions. These balconies must not exceed a maximum width of 1.5 metres.

### **Height**

#### **Overview**

The height of the single dwelling has a bearing on the visual and physical bulk and scale of the building. The height of the single dwelling should maintain consistency with the majority of the single dwellings in the street.

#### **Objective**

- O1** To ensure that new single dwellings or alterations to existing single dwellings are in scale with and maintain the character of existing development in the street.

#### **Provisions**

- P1** Single dwellings must not exceed 8.5 metres in height from the natural ground level to the ridge as measured vertically at any point.
- P2** Notwithstanding P1 above, in particular circumstances there may be exceptions granted for steeper pitched roofs that do not detract from the aesthetics of the single dwelling.
- P3** Single dwellings must not exceed two stories in height above the natural ground level. However, consideration may be given to a basement where such area has a ceiling height not exceeding 2.3 metres from the underside of the edge beam and is below existing ground level as described in **P5** below.

- P4** The basement area must not be used as a habitable room.
- P5** Basement areas must not exceed existing natural ground level by more than 750mm when measured to the top of the ground floor slab above the existing ground level.
- P6** The basement wall must be designed so as to form an integral part of the building and not look like a basement wall from the external elevation.
- P7** The basement shall be wholly within the footprint of the dwelling above.
- P8** The floor to ceiling height of the first floor level is not to exceed 2.6 metres to minimise overshadowing and excessive height.
- P9** The floor to ceiling height of the ground level of new development is not to exceed 2.7 metres.
- P10** The ceiling height for attic rooms, rooms with a sloping ceiling or projections below ceiling lines, non-habitable rooms or the like must not interfere with the room or space's intended purpose.
- P11** The floor to ceiling height of rooms must satisfy the requirements of the Building Code of Australia Housing Provisions Part 3.8.2.2 "Ceiling Height", and must ensure that the room or space is used for its intended purpose, and that the level of fire safety, health and amenity is not reduced.
- P12** Building heights must relate to the general character of houses in the immediate locality and in the street.

### **Storage**

- P13** Storage areas in roofs of single dwellings are permitted as long as there are no permanent stairs and no dormer windows within the roof so as to ensure it does not appear as a habitable room. The roof may contain ventilated skylight windows.

## **Setbacks**

### **Overview**

Setbacks define the overall footprint of a building and the outer walls in relation to the front, side and rear boundaries. Appropriate street setback controls can contribute to the public domain by enhancing the streetscape character and the continuity of street facades.

### **Objectives**

- O1** To ensure that new single dwellings or alterations to existing single dwellings are of consistent scale and maintain the character of existing development in the street.

### **Provisions**

- P1** Single dwellings must comply with the minimum setback requirements as set out in the table below:



**Table 3. Setback Requirements for Single Dwelling Houses**

<b>Front Setback</b>	
(i) Two storey (second storey component of the dwelling only)	9m
(ii) Single storey	Average of localised existing building line
<b>Side Setback</b>	
(i) Two storey (second storey component of the dwelling only)	1.5m
(ii) Single storey	900mm
Except for the common wall of an attached dwelling or semi-detached dwelling	
<b>Rear Setback</b>	
(i) Two storey (second storey component of the dwelling only)	6m
(ii) Single storey	3m
<b>Corner Property Setbacks</b>	
(i) Main Street Setback	As per front setback for street to which property is rated, or the street with the narrower frontage.
(ii) Side Street Setback	As per side setback
(iii) Other two (2) boundaries	As per side and rear setback

- P2** All single dwellings must provide an eave overhang. The minimum width of the eave including the gutter must be 450mm.
- P3** Council may consider a variation to reduce the eave heights, provided that there is no increased overshadowing.
- P4** Single dwellings must provide setbacks that are consistent with the existing setback.
- P5** A reduced setback which utilises existing foundations may be acceptable for single storey dwellings.
- P6** An increased front setback may be required for new building works that are bulkier than the existing single dwellings on the adjoining sites.
- P7** The maximum length of a first floor elevation of a single dwelling is 10m along its southern elevation where it is provided as one continuous and uniform elevation (Refer to **Figure 74**).
- P8** Where a first floor elevation is greater than 10m along the southern elevation, that part of the first floor elevation greater than 10m must be setback a further 2m from the side building line (Refer to **Figure 74**).

- P9** Encroachments of up to 1.5m into the 9m front setback of the first floor level of a single dwelling may be approved for architectural elements such as bay windows, balconies, decorative timber and brick subject to the following:
- (i) Minimal adverse impact on surrounding properties in terms of overshadowing and privacy
  - (ii) High quality architectural design
  - (iii) Variation to the front setback not to exceed 50% of the width and height of the first floor front elevation
- P10** Ancillary structures such as garages, sheds and the like, that are attached to the dwelling on a site must be setback 900mm from the respective side boundary. Exceptions may be given for open structures such as carports, awnings and pergolas, subject to compliance with the Building Code of Australia requirements.

## **Floor Space Ratio and Built Area**

### **Overview**

Floor Space Ratio (FSR) and Built Area provisions aim to facilitate an acceptable bulk and scale of development. It is important to regulate the total size of single dwellings relative to allotment size in order to prevent over development.

### **Objectives**

- O1** To control the building bulk of single dwellings and additions.
- O2** To prevent over development occurring in the Burwood LGA.
- O3** To provide for a site layout that gives usable open area and a building form that is compatible in size with the surrounding areas.

### **Provisions**

- P1** The maximum Floor Space Ratio (FSR) is set out in the Floor Space Ratio Map. FSR and its calculation are defined in the BLEP 2012.

#### **Advisory Note:**

For calculating the Floor Space Ratio, it is important to consult the definition contained in clause 4.5(2) of the BLEP 2012, together with the definition of Gross Floor Area in the BLEP 2012 Dictionary. It should be noted that the calculation is taken from the internal face of walls and includes all buildings within a site.

- P2** The maximum Built Area is 67%.

Built Area is determined to be the total floor area of all buildings relative to the area of the allotment of land, expressed as a percentage. The calculation of Built Area shall be taken from the external face of walls (i.e. includes wall thickness) and includes the area of each floor or storey balconies, verandahs and the like, whether covered or uncovered, open or enclosed garages, carports and covered parking (except basement car parking) and outbuildings. Built Area excludes outdoor swimming pools, paths and exterior driveways.

- P3** Irrespective of the allotment size, Council does not generally favour single dwellings exceeding 450 sqm Built Area. Applicants should submit written justification in support of larger dwellings. Buildings above this size will generally only be allowed where the allotment size and the character of the existing development in the area so warrants.

- P4** In an R1 and R3 zone, a maximum Built Area of over 67% may be considered having regard to the predominant land uses in the vicinity, their scale, the streetscape and the impact of the proposal on surrounding development.

## **Landscaped Areas**

### **Overview**

The aesthetic benefits of landscaping are well recognised and can be seen every day in gardens. Trees and plants add life, colour and variety. Landscaping can provide shade from the hot summer sun, screen unsightly views, protect us from strong winds, reduce both air and noise pollution, provide visual privacy, soften buildings or structures and attract native birds into a garden. Appropriate plantings on allotments can enhance the overall character of the street and add value to your property.

### **Objectives**

- O1** To ensure functional private outdoor spaces are provided for residents.
- O2** To encourage the preservation and integration of existing trees and natural features into the design of new development.
- O3** To screen and soften the impact of buildings and improve the view along the street.
- O4** To maximise winter sun and minimise summer sun.
- O5** To help minimise stormwater runoff.

### **Provisions**

- P1** A minimum 30% of the front setback (i.e. front yard) is to consist of soft landscaping.
- P2** Rear yards will not be permitted to be dominated by hard landscaping. A minimum of 70% of the rear yard shall be soft landscaping.
- P3** Paved or hard surfaces shall incorporate appropriate drainage to control water runoff and avoid nuisance to adjoining properties. Paving materials must be selected to blend with both building materials and plantings.
- P4** Where practical, new structures must be positioned to provide for the retention and protection of existing significant trees and other natural features. Where removal of existing trees is proposed, details of suitable replacement trees are to be provided. These must be replaced at a rate of one new tree for each tree removed, or as otherwise specified by Council's Landscape Code.
- P5** Cutting and filling is to be minimised as far as practicable. Fill material must be clean fill only and placed in such a manner so as not to disturb existing trees that are to be retained. The maximum permitted depth of fill on a site is 500mm.
- P6** All Development Applications for new dwellings must be accompanied with a Landscape Plan as part of the application submission.
- P7** All planting beds and mounds must be mulched to a depth of 50-75mm using coarse textured mulch.

- P8** Plants that are declared priority under the Biosecurity Act 2015 must be identified and removed.
- P9** The siting of new buildings, structures, driveways and other hard surface areas must take into consideration impacts on the root zone of existing trees.
- P10** Tree species must be considered that provide shading in summer and solar access in winter.
- P11** Plant species should be chosen which have low water requirements.
- P12** New plantings must be complementary to the existing streetscape.
- P13** Aboveground rainwater tanks must not be installed in the front setback. Consideration will be given to underground rainwater tanks in the front setback.

### **Utility Services**

#### **Objective**

- O1** To ensure that single dwellings are designed with water, sewerage and electricity requirements in mind.

#### **Provisions**

- P1** All water and sewerage pipes and duct work must not be visible from a public place and must meet Sydney Water's requirements.
- P2** Electricity power poles placed within the front yard of the house must be treated in colours that match the existing single dwelling and be to Council's satisfaction.

### **Drainage**

#### **Objective**

- O1** To ensure that new development does not result in flooding issues on the site or adjacent properties.

#### **Provisions**

- P1** All drainage works must comply with Council's Stormwater Management Code.
- P2** Existing natural overland stormwater flow paths must not be diverted by fencing, retaining walls, buildings, paved areas or any other form of construction.
- P3** New hard paved surfaces must be kept to a minimum to prevent stormwater runoff.
- P4** Stormwater runoff from roofs, hard surfaces, swimming pools and the like must be collected, piped and drained to the kerb or an inter-allotment drainage system. Charged lines are permitted, however these must be designed by a practicing Hydraulic Engineer.
- P5** Pits and pumps are generally not permitted, except within basement garages.
- P6** Absorption trenches are generally not permitted.

- P7** Ground floor levels must be sufficiently elevated so as not to be subject to flooding.
- P8** Soft landscaping and pervious surfaces must be maximised on the site.
- P9** A stormwater concept plan is required to be submitted to Council in accordance with Council's Stormwater Management Code.

### **Swimming Pools**

#### **Objective**

- O1** To ensure that pools are properly located and secured in the interest of safety.

#### **Provisions**

- P1** The private open space must be useable and reasonably sized to incorporate a swimming pool. The pool area must not utilise the remaining private open space.
- P2** Pool equipment must be located so as to minimise excessive noise impacts.
- P3** The siting of the pool must minimise noise impacts and water splash on neighbouring properties.
- P4** The landscape design must provide summer shade for pool users.
- P5** The swimming pool area shall be fenced in conformity with the Swimming Pools Act 1992, the Building Code of Australia (BCA) and Australian Standards AS 1926-2007 Part 1 and 2 – Swimming Pool Safety.
- P6** Swimming pool fencing shall separate the pool from the dwelling, outbuildings, structures and any adjoining premises or public place.
- P7** A minimum setback of 1m must be provided from the water edge of the pool to the boundary.
- P8** Pools are not permitted in the front yard of a property.
- P9** No ancillary or other structures are permitted within the fenced pool area, except for diving boards or pool filter equipment.

### **Fire Safety**

#### **Objective**

- O1** To ensure that all new building work provides for an acceptable level of safety for residents in case of fire.

#### **Provisions**

- P1** External walls of single dwellings and other structures must be of fire resistant construction, and comply with the relevant provisions of the Building Code of Australia.
- P2** Approved smoke alarms must be installed in accordance with the Building Code of Australia and Australian Standard AS 3786-1993 - Smoke Alarms.

- P3** Effective setback and/or protection of structures from fire source features must be in accordance with the Building Code of Australia.

**Advisory Note:**

Please refer to Building Code of Australia for further information on fire safety.

## **Demolition**

### **Objective**

- O1** To ensure that the demolition of structures is carried out in an effective manner without affecting the health and amenity of the surrounding residents.

### **Provisions**

- P1** All demolition must be carried out in accordance with Australian Standard AS 2601-2001- The Demolition of Structures.
- P2** All building materials containing asbestos must be carefully handled and removed from the site in accordance with WorkCover requirements.
- P3** To minimise dust and debris that cause an unnecessary hazard and/or damage to surrounding properties, appropriate protective measures must be taken.
- P4** To minimise sediment movement and water pollution due to surface run off, protective environmental site management measures must be employed on site.
- P5** To minimise damage to street trees, footpaths, kerbing and road pavements, protective measures must be employed.

## **Earthworks**

### **Objectives**

- O1** To ensure that site works are safe and environmentally sound.
- O2** To ensure that adjoining residents are not detrimentally affected by the removal of soil or rock.

### **Provisions**

- P1** Adequate sedimentation control measures must be provided around sites to prevent polluted surface run off reaching water course or adjoining land, prior to the commencement of any work.
- P2** To prevent earthworks from becoming dangerous to life or property, excavation must be adequately shored and guarded.
- P3** Batters or underpinning of excavation is required to protect structures on adjacent properties from ground surface movement.
- P4** The details of excavation or filling of land must be included in the Development Application.
- P5** A dilapidation survey may be required to be carried out for excavations.

- P6** In excavated areas after rain periods, seepage, or the ponding of water must be collected and disposed of in an appropriate manner.
- P7** The maximum permitted depth of fill on a site is 500mm. Cutting and filling is to be minimised as far as practicable. Fill materials must be clean fill only and placed in such a manner so as not to disturb existing trees that are to be retained.

#### **4.5.3 Ancillary Structures**

##### **Overview**

Garages, carports and other ancillary structures should be designed as part of a holistic approach to the property rather than in isolation. It is important that garages and carports do not dominate the appearance of a dwelling from the street frontage and do not compromise the aesthetic relationship of the front garden and the streetscape.

##### **Advisory Note:**

There are further provisions relating to vehicle parking, garages and carports in respect to heritage items and properties in a heritage conservation area. (Refer to Section 4.7)

##### **4.5.3.1 Garages**

##### **Objectives**

- O1** To recognise the needs of residents to erect garages.
- O2** To minimise the size, bulk and scale of garages.

##### **Provisions**

- P1** Garages must not be erected within the established dwelling setbacks and the street alignment.
- P2** Garage floor to ceiling height must not exceed 2.5m.
- P3** The height of the garage door must not exceed 2.1m.
- P4** The external wall height must not exceed 2.7m above natural ground level.
- P5** The slope of the roof of a garage must not exceed 25 degrees to the horizontal.
- P6** Where the proposed detached garage is given special permission to be closer than 450mm to the rear or side boundaries, a peg out survey showing the footprint of the building must be undertaken prior to the pouring of the footings/slab, and a final survey report showing the exact location of eaves and gutters to the boundaries must be submitted to Council or the Principal Certifying Authority upon completion.
- P7** Garage door openings including intermediate piers must not exceed 40% of the entire width of the front elevation of the single dwelling.
- P8** To prevent domination of the front elevation, attached garages must be setback further from the single dwelling.
- P9** Where a double garage is proposed forward, or within the front, of a single dwelling, the double garage doors must face the side boundary and have an adequate turning



circle for safe entry and exit to the garage. Garage wall facades facing the street must incorporate residential architectural features such as windows.

- P10** A minimum 900mm side and 3m rear boundary setback is required for garage walls attached to a single dwelling.
- P11** Council will not require written concurrence from an adjoining property owner to erect a garage adjacent to a boundary where the proposed garage is of masonry construction and is set back a minimum distance of 150mm from the respective side or rear boundary so as to enable the erection of a dividing fence.
- P12** Clad walls must be set back a minimum of 450mm from the side and rear boundaries to enable maintenance to be carried out.
- P13** Notwithstanding P11 and P12 above, any garage or outbuilding with a floor area of 60 sqm or more, or a continuous wall length of 8m or more, must be a minimum of 900mm off all side and rear boundaries.
- P14** Where a garage constructed of brick is located adjacent to the boundary, no openings will be permitted on the wall located on the boundary for privacy and acoustic reasons.
- P15** Garages must be designed to be sympathetic to the existing character and design of the single dwelling in terms of roof pitch, materials and finishes.
- P16** Cladding must consist of masonry, sheet metal (e.g. Colorbond), painted Zinalume or similar non reflective material. These materials must be compatible with the single dwelling on the site and consistent with the character of the immediate environment.
- P17** Roof cladding must consist of tiles, slates, sheet metal (e.g. Colorbond), painted zinalume, metal or other approved non-reflective roof material. These materials must be compatible with the single dwelling on the site and be consistent with the character of the immediate environment.
- P18** The colours of roof and wall cladding must generally be of neutral tones, compatible with the single dwelling on the site and environmentally sensitive so as to minimise visual impact on the area.
- P19** Garages are subject to a stormwater concept plan and stormwater must be collected, piped and drained to the kerb or inter – allotment drainage system in accordance with the Stormwater Management Code. A Stormwater Concept Plan in accordance with Council's Stormwater Management Code is to be submitted with DA's for any ancillary structures.
- P20** Garages with vehicular access from side or rear lanes and streets must have a minimum front, rear or both boundary setback of 1.4m. Any fencing between the garage and the alignment on this boundary must be splayed at a 45° angle.
- P21** Basement garages must be confined to the building envelope. Adequate provision must be made for a deep soil zone and landscaped area.
- P22** Garages must not be used or adapted for residential, industrial or commercial purposes without prior Council approval.
- P23** Amenities such as a shower, toilet or hand wash basin will only be permitted to be installed within a garage under specific circumstances, and at Council's discretion. Access to these amenities shall be by an externally-accessed door (e.g. opening onto

the rear yard), as opposed to being accessed from the interior garage space, such to discourage use of the structure as a separate dwelling.

- P24** Studios or habitable rooms will not be permitted above a detached garage or outbuilding. The use of the roof space for storage may be permitted subject to the provision of non-permanent access (e.g. pull-down ladder) and Council's satisfaction that the storage space does not contribute to the scale or bulk of the structure, nor adversely affect the amenity of neighbouring properties.

#### **4.5.3.2 Carports**

##### **Objectives**

- O1** To achieve a design that is sympathetic with the streetscape and the subject and adjoining single dwellings.
- O2** To recognise the needs of residents to erect carports.
- O3** To minimise the size, bulk and scale of carports.

##### **Provisions**

###### *Carports Behind Building Line*

- P1** It is preferable that carports be erected in the rear yard of a property and not be erected between the wall of a single dwelling and the side boundary of the allotment.

- P2** Where a carport is erected on the side of the single dwelling:

It may be attached to the side wall of the single dwelling and extend to the boundary line.

The carport roofline must be set back 500mm from the side boundary line. Supporting posts and beams are permitted adjacent to the boundary. Refer to Part 3.7.1.6 of the Building Code of Australia (BCA) for further information.

The carport must stand clear of a side boundary fence (i.e. carports must not be attached to the fence) and there must be a clear space between the underside of the roof structure and any fence.

Where it adjoins the side wall of a single dwelling, it must not be infilled at its side or ends.

It may be enclosed at the front with open ornamental-type metal gates for security purposes.

###### *Carport Forward of the Building Line*

- P3** Carports may be permitted between the building line and the street alignment provided:

- The driveway to the rear of the site is less than 2.4m wide.
- The driveway width to the rear of the site is between 2.4m and 2.6m, but it is not feasible to provide parking in the rear yard.
- Where a side boundary fence exists or is proposed, the carport must stand clear of such a fence (i.e. it must not be attached to the fence) and there must be a clear space between the underside of the roof structure and any fence.

- There is no interference or obstruction to the natural lighting or ventilation of the subject and adjoining single dwellings.
- There is no interference or obstruction to users of the roadway or pedestrians.
- The carport must not be enclosed.
- Any gates must not open onto the footpath.
- The carport must be compatible with the streetscape.
- The carport must not adversely affect the style and character of the front façade of the building.

**Advisory Note:**

Separate provisions apply to a carport if it pertains to a heritage item or a property within a heritage conservation area.

*Carport Dimensions*

- P4** Minimum dimension for a carport must be 5m x 2.5m.
- P5** Maximum dimension for a carport must be 6m x 3m.
- P6** Maximum height of a carport must be 2.4m, measured from the floor level to the outside surface of the roof cover.

*Vehicular Access via Side or Rear Lanes*

- P7** Carports with vehicular access from side or rear lanes and streets must have a minimum boundary setback of 1.4m. Any fencing between the carport and the alignment must be splayed at a 45-degree angle.

*Design*

- P8** Consideration must be given to the design and appearance of a carport and its effect upon the general appearance of the single dwelling and the streetscape.
- P9** Carports located in front of or near the front of the single dwelling must have supporting posts that are architecturally compatible with the single dwelling. These supporting posts must have a 50mm diameter or 50mm square metal section

*Levels*

- P10** Where the carport is proposed to be located near the street alignment, the levels of a carport floor must be obtained from Council's Assets, Design and Contracts section and must be strictly adhered to.

### **4.5.3.3 Other Ancillary Structures**

#### **General**

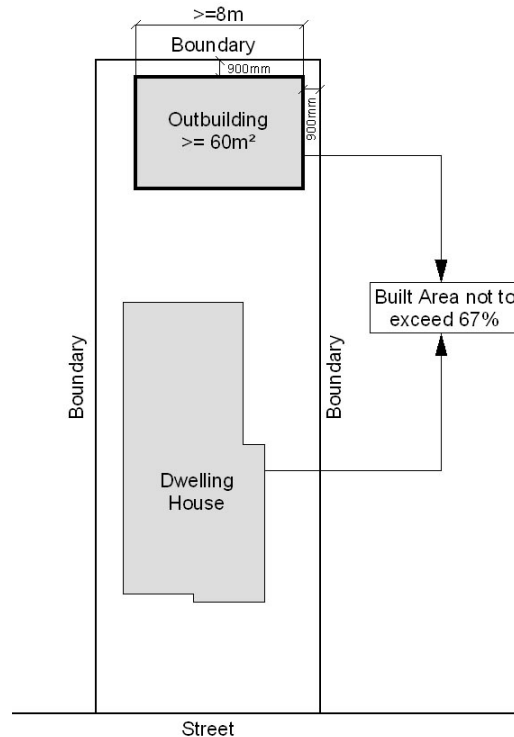
#### **Objectives**

- O1** To recognise the needs of residents to erect ancillary structures.
- O2** To minimise the size, bulk and scale of ancillary structures.

- O3** To provide clear provisions for other ancillary structures that do not include garages or carports.

### Provisions

- P1** Any garage or outbuilding with a floor area of 60 square metres more, or a continuous wall length of 8 metres or more, must be setback a minimum of 900mm from all side and rear boundaries. This control seeks to limit the impact of substantial outbuildings on adjoining properties, and discourages outbuildings which are in close proximity to multiple boundaries. This control will also be applied to any new work where the combined floor area of all outbuildings exceeds 60 square metres.



**Figure 75. Boundary Setbacks for Substantial Outbuildings**

- P2** Where multiple ancillary structures are proposed upon a property, combining these uses within a single structure is encouraged.
- P3** The controls applying to garages will generally be applied to other ancillary structures, such as sheds, studios, cabanas and the like.
- P4** Amenities such as a shower, toilet or hand wash basin will only be permitted to be installed within an outbuilding under specific circumstances, and at Council's discretion. Access to these amenities shall be by an externally-accessed door (e.g. opening onto the rear yard), as opposed to being accessed from the interior space, such to discourage use of the structure as a separate dwelling.

#### 4.5.3.4 Front and Side Fences

### Objectives

- O1** To ensure that fencing is appropriate to the scale and character of the street, as well as the single dwelling.

**Advisory Note:**

There may be additional provisions which apply to a fence if it pertains to a heritage item or a property within a heritage conservation area. (Refer to 4.7)

**Provisions**

*Consideration of Development Applications Generally*

- P1** In dealing with a Development Application for a front and/or side fence, Council must consider the following before making its decision:
- (i) the general appearance
  - (ii) its likely effect on adjoining properties
  - (iii) its likely effect on the streetscape
  - (iv) its likely effect on traffic
  - (v) whether the design of the fence is consistent with the external appearance of the house
  - (vi) the need for splays where vehicular entrances are involved
- P2** Material and finishes must complement the style of the single dwelling.
- P3** Demolition of fences is allowed without the approval of Council except for heritage properties (i.e. heritage conservation areas and heritage items).
- P4** Fencing is not to impinge upon pedestrian and vehicular sightlines.
- P5** Where a Development Application relates to a corner allotment, the corner must be splayed to the satisfaction of Council's Traffic and Transport section. A fence in such a position will not be permitted if its erection will create a traffic hazard.

*Height*

- P6** The height of front fencing measured from existing ground level and taken from the public footpath side, shall satisfy the following:
- (i) The maximum height of a picket or other similar open style fencing is 1.2m.
  - (ii) The maximum height of masonry or solid form fencing is 900mm. This includes courtyard fences where the courtyard is on or near the street alignment and not constructed or setback as provided in items (iii) and (iv) below.
  - (iii) 1.8m front fencing is permitted provided that this fencing is of a design where brickwork does not exceed 900mm in height and the remaining height is open style construction. Exceptions may be granted on arterial roads such as Liverpool Road, The Boulevarde, Coronation Parade, Burwood Road, Georges River Road and Parramatta Road.
  - (iv) A straight flush 1.8m high fence is not acceptable. Notwithstanding P6 (iii), 1.8m high fences may be permitted subject to articulation above or the provision of landscaping to provide visual relief. Alternatively, the fence is set back at least 1.5m from the street alignment.

*Materials*

- P7** The external face of the fence must be of a good quality, with a low maintenance finish.

### *Landscaping*

- P8** The area between a fence and the street alignment must be suitably landscaped with low maintenance landscaping.

### *Levels*

- P9** Footings for front fencing must be constructed at or below footpath alignment levels and must not encroach on the footpath as set out by Council's Assets, Design and Contracts section.

### *Side Boundary Fences*

- P10** Side boundary fences must taper (reduce) in height where they are located forward of the front building line to the point where they meet the front boundary fencing.
- P11** Side boundary fences forward of the building line may be of low ornamental type fences, open style fences or fencing of the same height and design of those approved for the front property boundary.
- P12** Side boundary fences are not to exceed 1.8m in height behind the single dwelling and must not be constructed of pressed metal or exposed concrete block work.

### *Attached and Semi-Detached Dwellings*

- P13** Common walls on the boundary will only be permitted where proposed in connection with an attached dwelling or semi-detached dwelling development, and where the DA comprises redevelopment of both sides of the shared boundary.
- P14** Council encourages fence designs which apply to all frontages within an attached and semi-detached dwelling development.
- P15** Cross easements for support and stormwater drainage must be created where necessary and be in place prior to the issue of an Occupation Certificate.
- P16** Fire rating and sound transmission characteristics of common walls must comply with the BCA/NCC.

#### **Advisory Note:**

Attached and semi-detached dwellings are required to comply with all other provisions of Section 4.5 of the BDCP

### *Security*

- P17** Front gates must be on, or close to, the front boundary or the front of the building. They must also be visible from front windows.
- P18** Fence design must avoid creating entrapment spots.
- P19** Surface treatment of fences must use vandal resistant treatments such as paint and stain resistant finishes.
- P20** Double glazing must be considered as an alternative to a high solid fence to achieve noise insulation.

#### **Advisory Note:**

The provisions of the Dividing Fences Act are to be observed in regard to fences, on the dividing boundary between two properties.

## 4.6 Transport and Parking in Residential Developments

### Strategic Approach

Development in all of the zones under the BLEP 2012 will, over time and to differing extents, add to the demand for travel, and place additional pressure on the transport system and parking supply in the Burwood LGA.

Local policy on transport, traffic and parking needs to respond to the challenges of providing on-site parking while managing impacts on neighbourhoods. Higher density developments especially in the R1 and R2 zones should assist in the management of travel demand through increased utilisation of Burwood's substantial public transport facilities, and of opportunities for mobility by walking and cycling.

### Objectives

- O1** Ensure the appropriate provision of secure and accessible parking supply to meet the needs of users in the residential zones.
- O2** Increase the use of public transport, walking and cycling for trips generated by new development.
- O3** Support Council's on-street parking strategy in the Burwood Public Parking Strategy 2010 and its successors in respect of land around the Town Centres.
- O4** Require a broader assessment of transport, traffic and parking factors in the Development Application process.
- O5** Ensure the design of parking areas of developments meets appropriate criteria for vehicular and pedestrian safety and personal security, and the needs of people with disabilities, and provides appropriate facilities for cyclists and pedestrians.
- O6** Encourage the provision of parking supply that contributes to the enhancement of development on sites and the quality of the streetscape.
- O7** Manage the impacts of impervious surfaces and the excavation of basements for residential developments and provide greater opportunity for deep soil planting.

### Provisions

**P1 Basic parking requirement:** Development in the R1, R2 and R3 zones must provide parking spaces on site for each proposed land use in accordance with Table 4. All parking generated by the development is to be provided on site, including any visitors parking. Contributions in lieu of onsite provision of parking will not be accepted in residential zones.

**P2 Compliance with Australian Standards:** The design and construction of on-site:

- Parking areas and parking spaces
- Service and loading/unloading areas
- Access to, from and within these facilities

are to comply with the applicable Australian Standards. These Standards cover a range of technical requirements including design elements, dimensions, gradients,



headroom, curves, delivery and service areas, and special requirements for people with disabilities.

The applicable standards are the most recent versions (at the time of the application) of:

- AS 2890.1 Part 1: Off-street car parking.
- AS 2890.2 Part 2: Off-street commercial vehicle facilities.
- AS 2890.3 Part 3: Bicycle parking facilities.
- AS 2890.5 Part 5: On-street parking.
- AS 2890.6 Part 6: Off-street parking for people with disabilities.
- AS 1428.1: Design for access and mobility.
- AS 1735.12: Lifts, escalators and moving walks - Facilities for persons with disabilities.

**P3 Other requirements for single dwelling houses and development involving two dwellings on one allotment in Residential zones:**

- Generally only one driveway per property is permitted.
- Circular driveways will be permitted on large lots that have a minimum site area of 900m<sup>2</sup> and have a minimum street frontage of 20m. The circular driveway where appropriate must also address controls within the BDCP such as Building Appearance, Streetscape, Heritage, Landscaped Areas, Vehicle Footpath Crossing, Garages and Carports.
- Paving of vehicular access ways and car parking spaces must be kept to a minimum to maximise soft landscaping and minimise stormwater runoff.
- Excavations for basement garage must be limited to the perimeter of the proposed dwelling(s). Exceptions may be given to narrow sites (less than 11m in width).

**P4 Other requirements for residential flat buildings, multi dwelling housing and shop top housing in Residential zones:**

- Parking spaces shall not be permitted above the ground, between the building and the street alignment.
- Where car parking spaces are provided below the natural ground level of the site, and roofed over and reinstated with lawn and landscaping, the reinstated roof area shall not project more than 0.75m above the adjoining natural ground level and shall be blended into the site, to the satisfaction of Council.
- Garage doors shall not dominate the front elevation of the development, shall be of a scale and position so as to create visual interest and not conflict with the character of other residential buildings in the street.
- Garage entrances shall be located to the side wall behind the façade main wall of the building, or to the rear of the allotment. If an entrance is at the front of the building facing the street, it must have an automatic closing door to conceal the opening from any public place.
- All car parking spaces, garages and vehicle manoeuvring driveways shall be designed so that vehicles can easily enter and leave the premises by movement in a forward direction.

- Where large areas of paving are required for driveways, turning and parking areas, these shall be treated with a variation of paving, inter-planting with grass in perforated cellular slabs or landscaping to give a visual break to such areas.
- Vehicular access points must have high quality finishes to walls and ceilings as well as high standard detailing. Service ducts or pipes must not be visible from the street.
- Proposals to extend basement parking levels from private development sites into the areas of Council's road reserves will not be supported. This is due to the practical, technical and legal constraints and complexities in implementation of this action by both Council and the private site developer.

**P5 Vehicular Access and Footpath Crossings**

- Vehicular access for development must be provided from lanes and minor or secondary streets where available, rather than major streets or Classified Roads.
- Vehicular access and footpath crossings must be minimised where provided the safety of pedestrians and cyclists must be maintained and there should be no more impacts on bus operations.
- Vehicular access must have a nominal width of 2.7 metres over the footpath, and be perpendicular to the kerb alignment.

**P6 Automated or Mechanical Car Stacking**

Installation of automated or mechanical car parking systems to meet car parking requirements for developments is not supported. Experience with and observation of these systems indicates significant potential for adverse impacts arising from slow operation causing vehicle queuing, vehicle size constraints that are not appropriate in Australia, and unreliability in cases of mechanical, hydraulic or electrical failure. Provision of free-standing spaces accessed by ramps is preferred. If restricted site size limits provision of traditional on-site parking, consideration should be given to consolidation of lots to create a larger development site.

**P7 Plans and reports on transport, traffic and parking to support Development**

**Applications:** To provide adequate information for the assessment of proposals, Development Applications are to be supported by one of the following reports, depending on the scale and impact of the proposal.

*1. Major Development - Transport, Traffic and Parking Impact Report and Management Plans*

Major Development, for the purposes of this subsection, means any residential accommodation (as defined in the BLEP 2012) comprising 30 or more dwellings on the one site, or as otherwise determined by Council for development in a Residential zone.

A Development Application for Major Development in a Residential zone is to be accompanied by a Transport, Traffic and Parking Impact Report and Management Plan prepared by a suitably qualified and experienced professional in traffic and transport, addressing the following matters:

- The proposed development and its suitability in terms of transport, traffic and parking impact
- The existing parking and traffic conditions
- The proposed traffic, parking and vehicle access arrangements
- The accessibility of public transport services, and walking and cycling facilities
- The impact of the development on the surrounding street network and intended measures to ameliorate or manage that impact

- The impact of the proposed development on the efficient and safe operation of bus services and passenger access
- The design and compliance with the applicable Australian Standards in P2 above
- Pedestrian and cyclist safety, personal security and safe access from parking areas to activities on the site
- Signage and visual accessibility during day and night periods
- Provision for loading, unloading and service vehicles
- Provision for parking of bicycles and facilities for use of cyclists
- A management plan covering management of traffic impacts and intended measures to encourage public transport use, walking and cycling, and to manage travel demand
- Consistency with general aims and zone objectives of the BLEP 2012
- Consistency with the aims and objectives of this BDCP set out in Section 2
- Compliance with the applicable requirements of this BDCP Part.

## 2. *Other Development - Transport, Traffic and Parking Impact Report*

A Development Application in a Residential zone which is not Major Development (and excluding small scale residential development comprising 1-2 dwellings or other small scale development as determined by Council) is to be accompanied by a Transport, Traffic and Parking Impact Report prepared by a suitably qualified and experienced professional in traffic and transport, addressing the following matters:

- The proposed development
- The existing parking and traffic conditions and public transport conditions
- The proposed traffic, parking and access arrangements
- The impact of the development on traffic conditions in the surrounding street network and intended measures to ameliorate or manage that impact
- The intended measures to encourage public transport use, walking and cycling, and reduce the use of private motor cars
- Compliance with the applicable requirements of this BDCP
- Consistency with the aims and objectives of this BDCP set out in Section 2.

## P8 Cycling

Increased use of cycle travel to, from and within Burwood's Residential zones can help reduce reliance on private cars and improve public health. Burwood Council and the Inner West Sub-region have suitable terrain and the network of local and regional cycle paths is under continuous improvement. The following requirements apply:

- Standards for the number of bicycle parking facilities are provided in Cycling Aspects of Austroads Guides (Austroads and Standards Australia 1999) and Planning Guidelines for Walking and Cycling (Department of Planning and the Roads and Traffic Authority 2004) developments must demonstrate compliance with the requirements of either of these publications.
- Design of bicycle parking facilities (racks and lockers) must be in accordance with the provisions of Australian Standard 2890.3 – Parking Facilities or Cycling Aspects of Austroads Guides.
- Bicycle parking devices must meet the following general requirements:
  - Enable wheels and frame to be locked to the device without damaging the vehicle.
  - Be well located and lit for security purposes.
  - Be in a convenient and accessible location outside pedestrian and vehicle movement paths.
  - Be protected from motor vehicle movements and useable without damaging other bicycles.
  - Be protected from the weather.

- Designed to fit in with the development.

## P9 Active Travel Demand Management

Travel demand management initiatives should be employed in substantial new developments in Residential zones to reduce car based travel and make greater use of public transport, cycling, walking and car sharing for commuting and work related journeys. The objective is to ensure that substantial developments assess their impacts on travel demand and incorporate measures to encourage more sustainable travel.

- Development that comprises Major Development must include a Travel Demand Management section in the Transport, Traffic and Parking Impact Report and Management Plan to accompany the DA. Major Development is as defined in P6 above.
- Examples of initiatives to be considered in the section include:
  - Ensuring pedestrian safety and personal security within the development.
  - Providing bicycle parking facilities, with adequate access and personal security.
  - Making information available for occupants about public transport options available in the Burwood area that are relevant to the development.

**Table 4. Car Parking Rates in Residential Zones**

**Applies to zones:**

R1 General Residential

R2 Low Density Residential

R3 Medium Density Residential

Land Use	Car Parking Rates Applying Where The Land Use Is Permitted In The Zones	Notes and other requirements
	<p><b>General</b></p> <ul style="list-style-type: none"><li>- The stated parking provision rates are the minimum requirement, except where indicated otherwise for a specific land use.</li><li>- Calculation of the number of parking spaces required for a development is determined by rounding up to the nearest whole number where the decimal point is 0.5 and above, or rounded down to the nearest whole number where the decimal point is below 0.5.</li><li>- All parking is to be provided on the site of the development unless where indicated otherwise for a specific land use.</li><li>- In all cases the square metre areas in the Table refer to gross floor area as defined in the BLEP 2012.</li></ul>	
Residential Accommodation Category and Related		
Dwelling houses, attached dwellings, semi-detached dwellings, secondary dwellings, dual occupancies	<ul style="list-style-type: none"><li>▪ One space per dwelling</li></ul>	

Multi dwelling housing, residential flat buildings, shop top housing	<p>Parking for residents</p> <ul style="list-style-type: none"><li>One space per unit up to two bedrooms (including studio or bed-sitter units)</li><li>Two spaces per three or more bedroom unit.</li></ul> <p>Parking for visitors to residents of the development</p> <ul style="list-style-type: none"><li>One space per five units</li></ul>	<ul style="list-style-type: none"><li>These rates are the minimum and maximum requirements</li><li>For the purposes of calculating visitors parking, a studio or bedsitter unit is counted as half a unit</li></ul>
Boarding house, Co-living housing	<ul style="list-style-type: none"><li>Car Parking for residents – refer to the Housing SEPP</li><li>Bicycle parking – one space per five rooms or part thereof</li><li>Motorcycle parking – one space per five rooms or part thereof</li></ul>	
Seniors housing	Refer to parking requirements specified in State Environmental Planning Policy – Housing for Seniors or People with a Disability 2004.	
Group homes	Refer to parking requirements specified in State Environmental Planning Policy (Affordable Rental Housing) 2009	
Home businesses and home industries	<ul style="list-style-type: none"><li>As per requirements for dwelling houses, attached dwellings, semi-detached dwellings, secondary dwellings, dual occupancies</li><li>Plus one space for employees not residing on site</li></ul>	
Tourist and Visitor Accommodation Category and Related		
Bed and breakfast accommodation	<ul style="list-style-type: none"><li>One space per accommodation unit</li><li>Two spaces for employees involved in the Tourist and visitor accommodation business</li></ul>	
Serviced apartments		
Other not defined		
Commercial Premises Category and Related		
Retail Premises Subgroup and Related		
Neighbourhood shops	<ul style="list-style-type: none"><li>One space per 50 sqm in all zones</li></ul>	
Community Category and Related		
Educational establishments	<ul style="list-style-type: none"><li>For primary and secondary schools - one space per classroom</li><li>For tertiary establishments in Business zones – as for Business premises in the zone</li><li>For tertiary establishments in other zones -<ul style="list-style-type: none"><li>Where the site is within 400m of a rail station, as for Business premises in the Business zone adjacent to the station</li><li>Where the site is more than 400m from a rail station, one space per full time equivalent employee and one space per 10 students</li></ul></li></ul>	
Child care centres	<ul style="list-style-type: none"><li>As per the RTA Guide to Traffic Generating Developments, 2002 Section 5.12.3 – Child</li></ul>	

	<p>care centres, the following parking rates apply:</p> <ul style="list-style-type: none"> <li>▪ If child care centre is located within 400m of a metropolitan train station: <ul style="list-style-type: none"> <li>– 1 space per 10 children and 1 space per 2 staff</li> </ul> </li> <li>▪ In all other areas: <ul style="list-style-type: none"> <li>– 1 space per 4 children</li> </ul> </li> </ul>	
Community facilities	<ul style="list-style-type: none"> <li>▪ As determined by Council's Management Plan for the specific facility</li> </ul>	
Places of public worship	<ul style="list-style-type: none"> <li>▪ One space per 10 seats where fixed seating is provided</li> <li>▪ One space per 18 sqm where fixed seating is not provided</li> </ul>	<ul style="list-style-type: none"> <li>▪ These rates are the minimum and maximum requirements</li> </ul>
Respite day care centres	<ul style="list-style-type: none"> <li>▪ One space per four persons of maximum capacity</li> <li>▪ Access and turning facilities for short-stay set-down and pick-up of attendees</li> </ul>	
Recreation areas Recreation facilities (indoor)	<ul style="list-style-type: none"> <li>▪ As determined case-by-case on the basis of a Transport, Traffic and Parking Impact Report and Management Plan prepared by the applicant</li> </ul>	
<b>Health Services Facilities Subgroup</b>		
Health consulting rooms medical centres	<ul style="list-style-type: none"> <li>▪ Four spaces per health care professional (doctor, dentist or other) being one space for the health care professional, one space for an employee and two spaces for patients</li> </ul>	
Hospitals	<ul style="list-style-type: none"> <li>▪ As determined by Council having regard to a Transport, Traffic and Parking Impact Report and Management Plan, or a Transport, Traffic and Parking Impact Report, as applicable prepared by the applicant</li> </ul>	<ul style="list-style-type: none"> <li>▪ Council may obtain a peer review of the Report at the applicant's expense</li> </ul>
<b>Miscellaneous</b>		
Any land use or activity not covered by any of the above	<ul style="list-style-type: none"> <li>▪ As determined by Council having regard to a Transport, Traffic and Parking Impact Report and Management Plan, or a Transport, Traffic and Parking Impact Report, as applicable</li> </ul>	
Mixed uses	<ul style="list-style-type: none"> <li>▪ As determined from this Table for the requirements of the individual land uses involved</li> </ul>	

## **4.7 Heritage in Residential Precincts**

### **4.7.1 Introduction**

This section applies to the development of heritage items (including potential or draft heritage items), properties in a Heritage Conservation Area, and development in the vicinity of a heritage item or conservation area where the developable property or heritage property is located in a residential area.

A reference to 'heritage property' herein means a property containing a heritage item, potential or draft heritage item, or a property within a Heritage Conservation Area. Heritage items and heritage conservation areas are listed in Schedule 5 of the BLEP 2012.

A reference to a 'contributory item' herein, means a heritage property within a Conservation Area which is:

- A heritage item; or
- A property which contributes positively to the heritage setting and character of the conservation area, based on its architectural style, character and/or time period.

The property may be highly intact, have sympathetic layers of alteration, or alterations which are reasonably reversible or which do not detract from the setting. In general, where the broad form of the original design remains legible, the property will be considered contributory.

Where a development involves business, commercial or office activities, the heritage controls under Section 3.8 may also be applied.

### **4.7.2 Heritage Controls**

It is important to conserve the heritage properties in the Burwood LGA. Many of these properties are dwelling houses that are located in a residential precinct or conservation area of similar buildings, or they may be individual houses which have been heritage listed by virtue of their own significance. In conserving our heritage, Council seeks to ensure that future generations will be able to understand and visualise Burwood's past through the physical evidence of important buildings, places and development patterns.

Where alterations and additions are proposed to heritage properties, the works should be sympathetic to the heritage significance of the property. Alterations and additions should be undertaken in such a way that minimise impacts on the heritage property. Demolition of heritage properties is generally discouraged.

The Appian Way Heritage Conservation Area and Malvern Hill Heritage Conservation Area represent Burwood's longest established and possibly most intact conservation precincts. Additional controls apply to these two precincts. (Refer to Section 4.7.4)

### **Objectives**

- O1** Retain and conserve heritage items and contributory items within heritage conservation areas and maintain their heritage significance.
- O2** Ensure that alterations or additions to heritage listed buildings and contributory items within heritage conservation areas are sympathetic to the heritage significance of the property and do not detract from the character of the streetscape.



- O3** Ensure that alterations or additions to heritage listed buildings and contributory items within heritage conservation areas reflect the predominant scale, height, proportion, character and setbacks of the existing building, and surrounding development.
- O4** Ensure development in the vicinity of a heritage item or heritage conservation area is designed and sited to protect the heritage significance of the item or heritage conservation area.
- O5** Retain the original subdivision and building patterns of heritage conservation areas and heritage listed properties.
- O6** Ensure that subdivision or amalgamation of lots does not result in adverse impacts on the curtilages or settings of heritage items or contributory items in heritage conservation areas.

## **Provisions**

### *General*

- P1** Development Applications that propose alterations or additions to, or demolition of, a heritage property are required to submit a heritage report, known as a Heritage Impact Statement (HIS), prepared by a qualified and recognised heritage professional as part of the application to Council. This report shall detail the impacts of the proposed development on the heritage significance of the property. Council may, at its discretion, require a Conservation Management Plan (CMP), instead of a HIS.
- P2** Where substantial demolition is proposed, the HIS would be required to provide justification on heritage grounds and demonstrate that options for retention have been investigated. An assessment of significance must include a comparative analysis of the building in relation to others of its kind in the local area. Claims concerning physical condition are required to be supported by a Structural Engineer's report. Conclusions should be based upon the heritage significance of the property, not on the development potential of the land it is situated upon.
- P3** Council will require the submission of a heritage statement, prepared in accordance with the NSW Heritage Branch guideline *Statements of Heritage Impact*, where development is proposed adjacent to a heritage property.
- P4** Major re-development of a heritage property shall have regard to the NSW Heritage Branch's *Design in Context: Guidelines for Infill Development in the Historic Environment*.
- P5** Where demolition is proposed of a non-contributory structure within a heritage conservation area, Council may require that the proposed replacement structure be submitted as part of the same Development Application in order to ensure sympathetic outcomes.

### *Building Design Considerations*

- P6** Development of a heritage property must:
  - (i) Be sympathetic in terms of its scale and character
  - (ii) Employ materials and detailing that responds to the traditional form and style of the existing structure
  - (iii) Provide adequate setbacks, and maintain a setting around the heritage property, to facilitate the item's interpretation.

- P7** A heritage property that forms part of a group of similar buildings or is located in a heritage conservation area must be designed with strict regard to the predominant characteristics of the area in terms of building height, building and street alignment, building form, scale and architectural character.
- P8** Alterations and additions to a heritage property must not dominate the character of the existing structure, nor be of excessive scale relative to the original building.
- P9** Redevelopment shall be taken as an opportunity to remove unsympathetic work upon a heritage property, such as air conditioning units, or repair significant architectural elements. Redevelopment should also be used to reinstate lost building elements.
- P10** New architectural elements, such as turrets, spires, domes and towers, should not be introduced into an existing building if such elements would dominate, or change the character of, the existing building.

**Advisory Note:**

The Building Appearance and Streetscape provisions of the Single Dwelling Houses section of the DCP also contain controls relevant to heritage properties.

*Roofs*

- P11** The main roof form of the existing dwelling should be maintained. Alterations and additions should be located behind the existing main roof form. In cases of rear additions, it is usually appropriate that the roof is set lower than the existing roof ridge and marries-in to the existing roof form.
- P12** In some instances it will be appropriate for new roofs or roof additions to match the existing roof pitch upon the heritage property. However in other cases, particularly Federation period houses, additions and ancillary buildings should provide a roof set at a lower pitch than the predominant roof form, in order to avoid dominating the main roof form and to provide differentiation from the original.
- P13** The gable width of a roof pertaining to a detached garage or carport shall not be wider than the most prominent gable end pertaining to the existing house or building. It may be necessary to provide a broken roof form to limit the dominance of the ancillary structure.
- P14** The introduction of new features in the street front elevation of the roof of a heritage property such as satellite dishes, air conditioners, rooftop antennae, solar water heaters, roof lights and skylights are not permitted.
- P15** Original roof materials such as slate and Marseille terracotta tiles and key roof features such as chimneys should be retained or reinstated.

*Roof Replacement*

- P16** Where it can be demonstrated that an existing original roof covering requires replacement due to significant deterioration and that repair is not practical, the replacement with “like-for-like” materials is encouraged.

Generally, terracotta tiled houses of the Federation and early Inter-War period will be required to replace the roof with *unglazed* terracotta tiles in a Marseille profile and natural “terracotta” colour.

Slate roofed houses should seek to retain the existing roof by transferring good slates from side and rear elevations to the front elevation, or through the use of second-hand materials with a similar aging pattern to the original material. Where replacement is inevitable, use of Welsh slates is encouraged, but consideration may also be given to the aforementioned terracotta tiles, or a suitable modern composite slate alternative where the change of materials can be justified on heritage grounds, and attention has been given to the profile, size, colour, finish and appearance of the replacement material.

- P17** Replacement roofing shall be based on evidence of the period, style, traditional form and materials of the existing building.
- P18** Roof details, such as finials and ridge capping, are to be maintained where possible, or replaced with matching elements.

#### *Attic-Style and First Floor Additions*

- P19** 'Rooms in roof' additions are permissible in the roof spaces of heritage properties subject to retaining the existing roof pitch and where the space is sufficient to accommodate attic rooms. Attention must be given to the style, size and location of roof windows. Such works are also required to meet the relevant height controls and habitation requirements set out in this DCP and the BCA.
- P20** First floor additions are only permitted where these would not affect the single storey character of the existing structure.
- P21** First floor additions must not dominate the existing structure as viewed from the street be setback as far as possible, and shall be designed to be visually recessive.

#### **Advisory Note:**

The Building Appearance and Streetscape provisions of the Single Dwelling Houses section of the DCP requires a first floor addition to be setback a minimum of 9m behind the front building line of the ground floor (i.e. the façade).

#### *Floor to Ceiling Height*

- P22** The floor to ceiling height of the first floor level within a dwelling house, attached dwelling or semi-detached dwelling is not to exceed 2.4m to minimise the visual bulk and dominance of first floor additions.

#### *Dormer Windows*

- P23** Dormer windows that are proposed in the roofs of heritage properties must be a traditional architectural feature of the style of dwelling house and must be designed so that the size, proportion, shape, design, location and finishes of the dormer windows are in harmony with the main roof of the dwelling house. Generally, dormer windows should be avoided on the street façade.
- P24** Flush 'Velux-style' roof windows are often a more sympathetic alternative to a dormer window.

#### *Street Fronted Facades*

- P25** The principal or street front façade of a heritage property must not be altered in any way other than to restore original features of the building or to remove previous unsympathetic alterations and additions.

- P26** Original windows and doors must be retained or reinstated.
- P27** New windows and doors, especially where visible from the street, must match the proportions, style and materials of existing window and door features that correspond to the architectural style of the dwelling house.
- P28** The external wall finishes and treatments of the heritage property must match the architectural style of the dwelling house.
- P29** Cement render of existing face brick walls is not permitted.
- P30** Exterior fixtures, such as roller shutters, security bars, aluminium awnings, satellite dishes and air conditioning units, or similar devices shall not obscure significant architectural elements upon a heritage property's facade, nor detract from the character of buildings. Roller shutters and security bars will generally not be permitted.
- P31** The landscaped front setting is an important component of a heritage property, especially where it retains existing contributory trees, plants, garden layouts and garden features such as tessellated tiled entrance paths. These features must be retained.

#### *Verandahs*

- P32** The enclosure of original open verandahs is not permitted.
- P33** The reinstatement of verandahs, whether simple or elaborate in decoration, must match the architectural style of the dwelling house.

#### *Landscaping*

- P34** The front setback (i.e. front yard) of a heritage property shall provide minimal hardstand and/or hard surfaces in order to preserve its setting and visual appearance.

#### *Views and Vistas*

- P35** Development of a heritage property, or development in its vicinity, must:
- Provide an adequate area of land around the development to allow interpretation of the significant building or place
  - Not detract from the setting of the heritage property
  - Retain and respect significant views/vistas from the public domain to a heritage property, as well as the views/vistas originating from the heritage property itself.

#### *Terrace Buildings*

- P36** Development within a terrace group is to be designed with strict regard to the overall group in terms of height, alignment, form, scale, materials and architectural character.

#### *New Development*

- P37** There are instances where new development may be built on the site of a heritage item, or within a heritage conservation area. Where this occurs, the new development must ensure it respects and interprets the predominant heritage character of that particular site or precinct.

**P38** New development in an existing heritage conservation area must be compatible with and reflect the predominant stylistic features of properties in the heritage conservation area with respect to:

- Building bulk, height and proportion
- Scale and architectural style
- Integration into the streetscape and relationship with adjoining buildings
- Reflecting the building and street alignments
- Interpreting the materials and architectural detailing of the heritage conservation area.

**P39** Where a garage is to be integrated into a new building, it must be setback from the front elevation so that it is a recessive component in the design.

*Development in the Vicinity of a Heritage Property*

**P40** New development, or alterations and additions to existing development, that is located in the vicinity of a heritage property, must be designed and sited to:

- Have regard for, and be compatible with, the significance of the heritage property
- Reflect the bulk, scale, height and proportion of the heritage property
- Respect the front garden setting, any established setbacks, and views and vistas of the heritage property
- Be recessive in character and not dominate the heritage property
- Interpret the materials and architectural detailing of the heritage property
- Respond to the building alignment of the heritage property.

**P40A** Any development having three storeys or more which is contiguous to a heritage property will be expected to observe a 5m minimum setback from the heritage property's boundary (and 4m minimum setback for any below-ground excavation/basement).

The purpose of this setback is to:

- Provide for a sensitive separation of buildings and maintenance of a heritage item's setting, particularly the "open garden setting" and generous setbacks typical of heritage-listed houses. A setback will be required irrespective of the setback of the heritage building from its boundary.
- Enable deep soil landscaping and substantial trees to be accommodated on the development site to provide a landscape buffer. This requirement applies irrespective of whether there is existing landscaping on the heritage property.
- Limit the potential for excavation and construction works to negatively affect the structural stability of the heritage item, or affect established trees/landscaping within the heritage property.
- Not prejudice the future development of heritage properties, particularly extensions. It is important that heritage places remain viable into the future.
- Limit the opportunity for negative impacts upon the amenity (especially noise and visual privacy) enjoyed by the residents/occupants of the heritage property.

**P40B** Any development located on a site contiguous with a heritage property, shall have

regard to the following:

- The front setback area of the development is to maintain an open setting for the heritage item such as by way of a lower front fence height, sensitive location of the pedestrian access path/entrance, and landscaping. The “privatisation” of the front setback – characterised by courtyards, fences dividing private open space, multiple entries, and high walls – should be avoided. Structures (e.g. bin enclosures, covered letterboxes, fire stairs) should be avoided in the front setback.
- The location of driveways in close proximity to the heritage item’s boundary is to be avoided. Driveways have the potential to adversely impact the amenity of the heritage property, its setting, cause excavation impacts, and reduce landscaping of the new development.
- The location of multiple courtyards or private open spaces along the boundary of the heritage item is to be avoided. This densification of use has the potential to impact the amenity of the heritage property’s residents/occupants.

#### *Subdivision*

- P41** Subdivision of an existing lot will not be permitted where it is proposing to subdivide the front portion (i.e. front yard) of a heritage items or contributory item in a heritage conservation area unless it can be demonstrated that the subdivision and associated new development will not:
- i. obscure the existing heritage building and its curtilage, and
  - ii. negatively affect the property’s setting, or alter the established subdivision pattern of development in that street and/or heritage conservation area.
- P42** A proposed subdivision of an existing lot within a heritage conservation area will generally not be supported, unless the lots are of a size in area and dimensions which reflects the characteristics of historically relevant allotments adjoining and in the vicinity of the site and where the proposed subdivision does not adversely impact on the setting and curtilage of the significant building or place.
- P43** Subdivision of a heritage property is generally not supported by virtue of the likely impact on the setting and curtilage of the significant building or place, and on account of limiting the ability of the heritage property to adapt to future needs on a significantly reduced lot size.
- P44** Applications for the subdivision of an existing lot to create a new lot or site consolidation are to demonstrate that:
- i. the setting of the heritage items on the site, or contributory items on the site or within the vicinity, are not compromised;
  - ii. the relationship between the heritage item or contributory item and associated features such as landscaping, trees, fences, and outbuildings are retained; and
  - iii. the heritage item or contributory item retains the ability to adapt to future needs on a smaller lot size.
- P45** Where the subdivision or amalgamation of an existing lot is proposed the demolition of the heritage item or contributory item on the original lot will not be permitted.
- P46** Where a heritage building forms part of a larger redevelopment, Council will generally require that repair or restorative work to the heritage building or place is undertaken prior to any subdivision or occupation. For instance, through a condition of consent requiring certain works prior to the issue of a Subdivision Certificate or Occupation Certificate. This approach seeks to ensure that the conservation of the heritage property is integral to the redevelopment.

### *Paint and Colour Schemes*

- P47** Painting over unpainted features such as external stonework and face brickwork of a heritage property is not permitted.
- P48** New paint and heritage colour schemes must reflect the most significant design period of the heritage property.

### *Ancillary Structures and Vehicle Parking*

- P49** Carports and garages may be located on a heritage property in the following order:
- Where rear lane or secondary street access exists, the garage or carport must be accessed from the rear lane or secondary street.
  - Where clause (i) above does not exist or is not achievable, the garage or carport must be sited to the rear of the property using the front entrance access.
  - Where site constraints exist and only where it can be demonstrated that the garage or carport is unable to be located in accordance with clause (ii) above, as it may have insufficient width, the structure may be sited to the side of the dwelling house.
- P50** Where a garage or carport is to be located to the side of an existing dwelling house, the structure must be located a minimum of 1m behind the front building line of the dwelling house. Where the house's façade features a front verandah, the verandah's depth is to be added to the aforementioned setback. The garage or carport should not result in the removal of original architectural features such as windows, window hoods or porches. Preference is for a carport, given its more open appearance, where the structure would be highly visible from the street.
- P51** Garages, carports, garden sheds or similar structures shall not be permitted to be located forward of the building line by virtue of their negative impact on the character of the heritage property and/or the streetscape.
- P52** In most instances, hardstand parking spaces that are proposed to be located forward of the building line shall not be permitted by virtue of their negative impact on the character of the heritage property and/or the streetscape. Hardstand parking spaces located forward of the building line will not be permitted where:
- i. The potential for alternative on-site vehicle parking is available
  - ii. The existing house is setback 7m or less from the front boundary
  - iii. The property has a width at the street frontage of 15m or less
  - iv. The existing house has a side boundary setback of 2.4m or more, or
  - v. The combined area of all hardstand surfaces (e.g. paths, paving, driveway etc.) within the front yard would account for 50% or more of the front yard.

In exceptional circumstances, and at the exclusion of properties subject to above items (i) - (v), consideration may be given to a visually discreet and simple parallel strip hardstand area of minimum dimensions, with soft landscape treatment, where Council is satisfied that the hardstand area does not negatively impact upon the front setting of the heritage property and surrounding streetscape.

- P53** Ancillary structures such as garages, carports, garden sheds and the like must complement the heritage property in terms of design and detailing, particularly where the structure is visible from the street.



- P54** Garages and carports must use design detailing, materials and paint schemes that refer to and are compatible with the heritage property. Simply designed structures using lightweight materials, comprising of a simple form and using appropriate materials are preferable.
- P55** The roofs of garages and carports must be simple in form and must not dominate or unduly contrast with the roof form of the heritage property. Ornate detailing and complex roof forms are generally inappropriate.
- P56** Driveways shall not have a stencilled concrete finish. Pavers, plain or single- coloured concrete finishes are preferable in achieving a recessive appearance.

#### *Rainwater Tanks*

- P57** Rainwater tanks must not be installed in the front garden or front setting of a heritage property.
- P58** Rainwater tanks can be located along the side elevations of a heritage building, provided that these are setback at least 2m behind the building's front elevation.
- P59** Where buildings have a front or wraparound verandah, the rainwater tank must be located a minimum 2m behind the verandah.
- P60** Where a rainwater tank is visible from the street, heritage colours such as green or red are recommended, or a colour which otherwise complements the colours within the existing building.

### 4.7.3 Fences on Heritage Properties

#### Overview

Fences on heritage properties have the potential to contribute to the heritage significance of that place or precinct, as well as contribute to the streetscape presentation. It is important to ensure that front, side and rear boundary fencing on a heritage property is compatible with the building or area to which it relates.

#### Objectives

- O1** To ensure that original and historically significant fences and gates are retained.
- O2** To ensure that new fences are sympathetic to the character of the heritage property.
- O3** To ensure new fences are in keeping with the period and style of the building.
- O4** To ensure that new fences are designed to complement the streetscape.

#### Provisions

##### *Fence Character and Design*

- P1** The removal of any fencing on a heritage property is not permitted without prior Council consent, unless it is exempt development.
- P2** Original fences must be retained and repaired.
- P3** Where it can be demonstrated that P2 above cannot be achieved and the original fence must be replaced, this fencing must be reconstructed with matching materials to match the original fencing.
- P4** In the first instance, the design of new fencing should relate to the period and style of the building upon that property.
- P5** Where new fencing is proposed in an established or heritage streetscape, the fencing must reflect the character, materials, height, rhythm of bays and openings, design and colour of the predominant fence design.
- P6** Fencing details (including the plinth wall, pedestrian gates, support piers, driveways, gates and metal railings) must be compatible with the overall character and design of the fence.
- P7** Where a site is sloped, the height of the fence shall comply with the maximum fence heights when measured perpendicular to the ground.
- P8** Electric lights or light mechanisms are not permitted on any part of a heritage fence as they are not traditional features. Up lights and down lights, where appropriately positioned and concealed from public view, may be considered as an acceptable alternative for lighting a fence structure.

#### **Advisory Note:**

Reference can be made to books and historical photographs to guide the design of new fences and gates. If these resources are not available, the design of other fences in the locality may be an appropriate style guide, provided these belong to a house of a similar period.

### *Height of Front Boundary Fences*

- P9** The maximum height of open-style (e.g. timber picket) front boundary fencing is 1.2m above the adjacent footpath level. Where a fence is to be provided with a base course, this solid portion of the fence should not exceed a third of the overall fence height.
- P10** The maximum height of solid or masonry front boundary fencing is 900mm above the adjacent footpath level.
- P11** Only where associated with a Victorian period house, the maximum height of picket / railing style front boundary fencing is 1.7m above the adjacent footpath level. For the avoidance of doubt, fences upon non-Victorian properties are generally restricted to 1.2m in height, and the use of metal bars or picket / railing style fencing is not supported.
- P12** Proposals to exceed the height limits (including piers) as outlined in P9, P10 and P11 above, must prove that the fence height corresponds and accords with the architectural style of the heritage property and/or continues an established pattern of heritage fences of a similar height.

### *Fence Materials*

- P13** Heritage properties of the Federation or Inter-War period should adopt timber and/or masonry materials which are characteristic of that period.
- P14** Where new masonry front boundary fencing is proposed, the materials and design should match the colour and pattern of brickwork upon the existing building.
- P15** The following materials are not permitted on a heritage property:
- Arc Mesh, metal pool-type bars or modern tubular bars/pickets.
  - Concrete block.
  - Sheet metal – flat or corrugated and/or coloured.
  - Pressed metal coloured sections (e.g. Colorbond).
  - Sheet material including plywood, chipboard, fibre cement and glass fibre.
- P16** The painting or rendering of original masonry fencing is not supported.

### *Side and Rear Boundary Fences*

- P17** The maximum height of side and rear boundary fencing is 1.8m.
- P18** Side boundary fences must taper (i.e. reduce) in height from the front building line to the point where it meets the front boundary fencing.
- P19** Side and rear boundary fencing must employ timber materials with vertical close-boarded unpainted hardwood with hardwood posts and rails. The use of metal panel fencing (e.g. Colorbond) is not supported for heritage properties.
- P20** Solid masonry side and rear boundary fencing will only be permitted in exceptional circumstances where it may be proven that the fence design continues a pre-existing pattern or character of such fencing.

**Advisory Note:**

The provisions of the Dividing Fences Act are to be observed in regard to fences, on the dividing boundary between two properties.

*Lych Gates*

- P21** Elaborate lych gates are uncommon features in Burwood and will generally only be permitted where it can be demonstrated that the Lych gate was a pre-existing feature of the property, and where it is compatible with the character of the dwelling house or locality.

**Examples of Fence and Gate Styles**



**Victorian Cast Iron Pickets and Gate**

**Federation Bungalow Timber Palings and Gate**



**Inter-War Bungalow Timber Paling Fence and Gate**



## 4.8 Special Residential Precincts

### 4.8.1 Appian Way

#### Overview

The original Hoskins' Estate dating from the early 1900's consisted of 39 allotments, with 36 houses fronting Burwood Road, Appian Way and Liverpool Road plus a recreation reserve. The properties are large, ranging from a quarter acre to three-quarters of an acre, (0.1ha to 0.3ha), and irregularly shaped.



**Figure 76. Original Plan Hoskins Estate**

The Conservation Area currently comprises 41 houses, 31 of which are reasonably intact, a recreation area consisting of three lawn tennis courts with a weatherboard pavilion, and landscape elements such as street trees and picket fences. Five houses (nos. 70-78 Liverpool Road, southern side) within the Conservation Area are not in the Hoskins Estate but in the Austinlee Estate and three houses of the original estate fronting Liverpool Road are not in the Conservation Area.

A more detailed assessment of the significance of the Appian Way Heritage Conservation Area may be found at Appendix 8.5.



Figure 77. Appian Way Conservation Area

## Objectives

- O1** To provide appropriate and consistent policy guidance for future development:
  - (a) By ensuring permanent protection of the Conservation Area, including all existing structures, landscape features and relics, and the setting of the area.
  - (b) Which will result in the long-term conservation and enhancement of the historic, architectural, landscape and streetscape elements which contribute to the distinctive character and unique environment of the Conservation Area.
- O2** To conserve the heritage significance of the Conservation Area and its setting.
- O3** To increase the awareness of persons using the BDCP about the significance of the Conservation Area and the role of development in that context.
- O4** To conserve and/or enhance existing buildings, structures and works in the Conservation Area.
- O5** To retain and/or reinstate the characteristic architectural, landscape and streetscape elements of the Conservation Area.
- O6** To ensure that new development will safeguard the historic, cultural, social, architectural or aesthetic significance of the building, work or site as well as the streetscape of the area.
- O7** To ensure new development is sympathetic to the particular building and/or the Conservation Area in terms of siting, form, massing, articulation and detail composition.
- O8** To ensure that the proposed form of roof and details the style, size, proportion and position of openings of windows and doors the colours, textures, style, size and type of finish of materials to be used on the exterior of building are compatible with similar

features and materials used in the existing building on the site and in the Conservation Area.

- O9** To retain any horticultural or stylistic features of merit of the building, work or site, or the Conservation Area generally.
- O10** To encourage the justified removal of structures or works which detract from the heritage significance of the particular building and/or the Conservation Area (non-contributory buildings or structures).
- O11** To ensure that the integrity of existing contributory buildings and works within the Conservation Area is not diminished by total or partial demolition or by alterations and additions.
- O12** To safeguard and document the pattern of development within the Conservation Area.
- O13** To retain the subdivision pattern of the Hoskins Estate.

### **Provisions**

#### *Demolition (Partial or Total)*

- P1** Buildings or works which are considered, in the opinion of the Council, to contribute to the significance of the conservation area or its streetscape should not be demolished.
- P2** Non-contributory buildings or works may only be demolished with Council approval, where their removal is supported through appropriate analysis as part of a Heritage Impact Statement
- P3** Notwithstanding Provisions D1 and D2, demolition of an existing structure will not be permitted unless development approval has been achieved for a replacement structure, or for appropriate restoration, renovation or repair of the building, works or site.

#### *Ground and First Floor Works (including attic additions)*

- P4** Architectural design elements shall be incorporated/integrated to avoid the creation of large plain wall surface areas.
- P5** Alterations and additions shall be designed to complement the style of the existing dwelling and its setting, and not detract from the original and/or existing relationship of the building or works to the street.
- P6** Alterations and additions that engulf the existing dwelling in terms of floor space are not appropriate in the Appian Way Conservation Area.

#### *Roof Details*

##### **Advisory Note:**

An important element in this Conservation Area is the alternating roof cladding of dwellings utilising slate and unglazed Marseilles pattern terracotta tiles.

- P7** Roofs should maintain the pitch and (generally) asymmetric line of the existing roof, to consist of one major (hipped) section with secondary gables and hips.



- P8** Small suitably designed gables and other repeated elements where justifiable, should reflect the proportions, detailing and form of the main gable.
- P9** The use of turrets, spires, domes and towers, and dormer windows will be permitted only where they respect the existing dwelling and the streetscape. These elements are not to dominate the contextual form or setting of the existing building.
- P10** Additions and extensions should not disrupt the roofline, nor dominate the front and/or side elevations. Roof forms of additions should be lower than the existing roof and differentiated from the original.
- P11** Roof additions should not dominate that of the existing dwelling as viewed from the street and shall remain recessive, to be limited to appropriate roof elements which maintain the existing composition of the front façade.
- P12** Extensions located to the rear of the dwelling should respect the form and balance of the existing rear part of the building and the layout of the garden. In some cases, say on larger lots, pavilion extensions would be acceptable.
- P13** Upper floor extensions should be contained within the existing roofline, with roof forms of a high pitch (30 to 35 degrees) required to accommodate a proposed attic level. Such roof additions should access daylight from appropriately scaled dormer windows only where otherwise flat-in-plane window only should be provided.
- P14** Other forms of alterations and additions, which do not satisfy Controls P7-P13, are unacceptable.
- P15** Roofs of all residential buildings should be finished with either slates or unglazed Marseilles terracotta tiles, as appropriate, with roofs to be completed as a single entity. Patching of roof materials to be undertaken from rear to front and side elevations, with replacements occurring to the whole of the rear, as necessary, to allow existing material to be recycled for use on the side and front roof slopes.

**Advisory Note:**

Repairs to slate roofs is a specialist's job where colour, texture and material weight need special consideration. Patching with recycled materials may leave an undesirable "mottled" effect.

- P16** New roofs should be sympathetic to the design and details of the existing house or structure.
- P17** The following are typical roof details:
- Slate and unglazed terracotta tiles.
  - Terracotta ridge cappings and ornaments (crests, finials) replicating the originals for tile and slate roofs.
  - Original gable ends may accommodate shingles or rendered brickwork, either stucco or roughcast patterns.
  - Rafter ends to roof eaves should be exposed.
  - Guttering of half-round or ogee profile, with round downpipes.
- P18** Skylights are not permitted to the main roof areas except on rear elevations where only one skylight per roof plane is permissible.

### *Chimney Details*

- P19** Chimneys should be retained in situ. Main fireplaces are not to be removed.
- P20** The detailing and proportions of proposed chimneys should be sympathetic to existing chimney elements.
- P21** Modern flues, exhausts and similar elements should generally be avoided and are not permitted on the front or side elevations of a dwelling house, or where they can be seen from the street.

### *Verandah Details*

- P22** New verandahs, simple or elaborate in decoration, should match existing in original detail. Appropriate details include:
- Verandahs supported by turned timber columns.
  - Wide edges, generally finished with slate or marble slabs.
  - Enclosed with low brick walls and/or timber balustrades.
  - Verandah brickwork forming a plinth for the timber supports, either capped, with brick on edge or stone.
  - Mosaic or tessellated tiling for the verandah floor surface.
- P23** Columns, decorative timber brackets and valance boards (span column tops) should be retained and restored/reconstructed to remain as important elements for defining, by their position and spacing, particular features (entries, windows, verandah corners and gables).

### *Façade Details*

- P24** The external wall finish of a new addition to a dwelling should match that of the existing dwelling or be appropriate to that of original dwellings in the area. Note that the rear portions of buildings usually have less elaborate materials and details.

### *Window and Sunhood Details*

- P25** New windows for a dwelling are to match and complement original windows and should incorporate the following details:
- Vertical modules, either single and grouped in banks divided only by timber sashes and mullions
  - The proportions of an opening rectangular window shall generally be a third as wide as it is tall (for a single window), with banking in these proportions for larger openings and for bay windows
  - Window frames should be in wood and painted to match original paintwork
  - Window types should respond to the existing detailing of the dwelling house.
- P26** Aluminium framed windows will not be permitted. Original sunhoods should be retained, repaired or reinstated where necessary.
- P27** Modern style external security roll-up metal screens or grilles are not appropriate to dwellings in the Appian Way.

*Door Details*

- P28** Front doors should match existing and contain moulded recessed timber panels and leadlight/stained glass panels, together with sidelights and fanlights, to accentuate the prominence of the entry.
- P29** Side or other doors, which are not the main entry, may be less elaborate, but should complement or match existing external doors.
- P30** Security grille doors should not obscure the details of the main door and should not, when fitted, cause damage to the fabric of the dwelling.

*Details of Material for Residential Dwellings and Associated Structures*

- P31** Original materials of the 1900-1920s period are to be used, or where these are not available, used and substitute materials of appropriate quality are encouraged. Applicants are to identify the source of appropriate materials with the Development Application and to supply samples for approval as part of the development assessment process. Tuck pointing and re-skinning of brickwork is inappropriate in this Conservation Area.
- P32** Common brick/lime mortar should be used on rear/side walls.

*Garage and Carport Details*

- P33** Garages and carports should be detached and preferably to the rear of the site, to reflect the particular site's originality with the scale and height to be secondary to the dwelling.
- P34** Basic materials of construction, including colours and finishes, for garages and carports should be similar to that of dwelling houses, or other existing contributory original car sheds in the Conservation Area.
- P35** Garages should incorporate simple metal or timber garage doors with small width slats or grooves. Decorative garage doors are not suitable in the Appian Way.
- P36** Timber-posted carports with pitched roofs are to be designed appropriately. The pitch of such roofs is to be similar to that of the dwelling.
- P37** Carports should not be enclosed nor be provided with doors.
- P38** Driveway paving should reflect the garden setting of the existing dwelling, and incorporate the use of period garden design elements, i.e. gravel finishes, informal paving, brick edging single wheel driveway tracks.
- P39** Driveway paving should be kept to a minimum in width and extent such that separate wheel tracks are not to exceed 0.4m in width.

*Garden Shed and other Utility Building Details*

- P40** Garden sheds and other utility buildings should be located in the rear yard and should be as low and unobtrusive as possible.
- P41** Preferred construction for such buildings is timber or fibre cement weatherboard with a galvanised iron roof.

### *Fence and Gate Details*

- P42** Properties which have full or partial (plinth and/or piers) brick front fencing should retain such elements.
- P43** All other properties not subject to FG1 should incorporate timber picket front fencing, painted white or other appropriate light colour, on the front boundary as a feature of the Conservation Area.
- P44** The style, height and material of fencing should reflect the original details predominant within the Conservation Area.
- P45** Side path gates, letterboxes, lych gates, lighting and other street furniture or site facilities, visible from the street, should be appropriately styled to reflect original details relevant to the Conservation Area and not to detract from the heritage significance of the particular dwelling.
- P46** Side fences to establish property boundaries are to be appropriately understated post and rail with wire mesh infill (no brick fences or any other structures are considered appropriate on or within 900mm of a common boundary including a rear boundary).

**Advisory Note:**

Post and rail with wire mesh infill side fence is typical of the original style of side fencing within the Appian Way, fashionable at the time. The intention of that type of fence is that it provides a real physical barrier between properties while maintaining an open feel. The wire mesh was often painted either dark green or black to increase that impression of space and is, from observation, in many examples covered with shrubs and creepers.

### *Landscaping/Garden Details*

- P47** A semi-formal design is generally appropriate for front and side gardens viewed from the street, with landscape plans to demonstrate:
- Well defined boundaries.
  - Trimmed lawns (buffalo or couch).
  - Edges and planting in neat beds.
  - Shrubs and nominated shade trees located to complement the house.
  - Appropriate plant material reflecting the species commonly available between 1900 and 1920 in the area.
- P48** Pathways may divide the lawn area, lined with flowerbeds that should also line inside the front fence.
- P49** Rear gardens may be more informal and functional to individual use with the planting of larger trees at the rear of the dwellings.

**Advisory Note:**

Particular guidelines on conserving and re-establishing a garden appropriate to a conservation area, together with plant types and a landscaping code, are available from the NSW Heritage Branch.

- P50** A landscape plan shall be provided where alterations or additions to existing garden layouts or content are proposed. New planting shall correspond with details of original plant species and garden layouts typical of the period garden setting of the dwelling or, where more appropriate, the Conservation Area.

- P51** Existing contributory trees, plants, garden layouts and garden features should be retained and incorporated within any development proposal.
- P52** Not more than 30% of the site area should be built upon, hard paved etc.
- P53** The trees in the nature strips form a significant visual element in the Conservation Area and should be properly protected and maintained appropriately.

*Central Recreation Area and Pavilion Details*

This area is important and is to be conserved as it is a key part of the significance of the Conservation Area.

- P54** Any proposal to repair, renovate or otherwise develop or modify the recreation area and/or its weatherboard pavilion layout, structure, planting, or other fencing elements, including change of use, should be discussed firstly with the Council's Heritage Adviser, prior to the submission of a Development Application.
- P55** The fencing, sports pavilion, surrounding landscaping and sports facilities are to be properly maintained as the primary focus of the estate.

*Colours, External Finishes and other Decoration Details*

- P56** A full colour scheme should be provided with the Development Application, with colours selected to correspond to brick types, original paint types, shades and compositions which respect the period character of the existing building or work or, where more appropriate, the Conservation Area generally.
- P57** Existing contributory details and decorations should be maintained and preserved.
- P58** New details and decorations should reflect the original detailing and decoration of existing building or works, or where more appropriate, the Conservation Area generally.
- P59** Unpainted surfaces of original buildings or works should not be painted, rendered, plastered or covered with any other material.

*Subdivision Details*

- P60** The integrity of the original subdivision pattern of the Hoskins Estate should be preserved. Subdivision of existing allotments is contrary to the aims and objectives of the Hoskins Estate.

*Dual Occupancy*

- P61** Detached dual occupancies are not appropriate to this Conservation Area.
- P62** Any other form of dual occupancy development should conform to all the requirements of this DCP for the Conservation Area.

*Additional Controls for New Development*

- P63** New dwellings will only be permitted to replace non-contributory dwellings within the Conservation Area.

- P64** The major design form of a new building should be compatible with the Conservation Area. Buildings are to be asymmetrical in plan and massing and of single storey construction. The scale and style of new development should be in sympathy with the original stylistic development within the Conservation Area. Contemporary interpretation of existing dwelling styles is encouraged. Imitation style is not appropriate for new dwellings.
- P65** Feature elements are necessary to avoid large blank façades, both to the street and on side elevations, and may include bay windows, verandahs, protruding gables, with hipped or gabled roof lines which exhibit variations in line but are generally well pitched (30-35 degrees).
- P66** A new building should relate sympathetically to those neighbouring and in siting, form, massing, articulation and detail composition.
- P67** The development should maintain existing views from neighbouring dwellings, achieve views of the Appian Way private recreation area and provide for retention of views of the rear gardens and trees between buildings.
- P68** Non-residential buildings (garages, garden sheds, workshops, etc.) shall complement the proposed dwelling house for the site, with siting, scale, form, massing design and detailing typical of the Conservation Area.
- P69** The removal of uncharacteristic or non-contributory buildings from the Conservation Area is generally encouraged.
- P70** The existing or former front boundary setback should be maintained.
- P71** Side boundary setbacks should be as generous as possible and relate to the original Hoskins Estate dwelling.

### **4.8.2 Malvern Hill**

#### **Background**

The original Malvern Hill Estate in Croydon covers approximately 23 hectares of land south-west of Croydon Railway Station. The dominant features in the Malvern Hill Estate are the wide roads, tree lined footpaths and cohesive streetscapes with skyline broken by Federation and California Bungalow style roofs, gables and chimney stacks on dwellings and an intact shopping strip.

The topography of the area is gently sloping to flat. The land slopes downwards to the north, from Liverpool Road to Murray Street. David Street and Chelmsford Avenue run south-west to north-east down the slope so are, in effect, on the side of Malvern Hill. The slope does create some variation in the views and townscape, but a “hill” in itself is not pronounced.

The alignment of Malvern and Dickinson Avenues and The Strand is an example of an interesting road form, of curved rather than the traditional gridiron street pattern. The Strand maintains the purpose of a formal avenue, which leads to the residential streets.

The skyline is dominated by street trees and the features of the houses such as chimney stacks, gables, ridge capping and rooftops of the two storey houses.

Malvern Hill is generally a residential area with a shopping centre adjacent to Croydon Railway Station. The area is described by the National Trust of Australia (NSW) as:

“a distinctive, highly cohesive area of good quality Federation period houses and shops, street planning and planting in streets and gardens. The area is significant as an early planned ‘model suburb’ and is one of the first examples of the successful application of local government development controls”.

The National Trust’s conservation area is larger and extends across the eastern boundary of the Burwood LGA (Dickinson Avenue) into the Ashfield LGA. However, about 90 per cent of the conservation area lies in Burwood.

The street trees, especially those associated with the Federation period, contribute to the character of the area. Examples of the original plantings are found in Lea Street and Chelmsford Avenue.

In Lea Street, the palms *Phoenix Canariensis* (Canary Palms) line the road. Burwood Council, in 1912, pioneered the planting of the trees as other varieties such as Camphor Laurels, interfered with electricity wires. Originally the palms were located on the roadway, as was commonly seen around the Burwood and Ashfield areas.

A more detailed assessment of the significance of the Malvern Hill Heritage Conservation Area may be found at Appendix 8.6.

#### **Objectives**

- O1** To conserve and enhance existing buildings, structures and works in the conservation area.
- O2** To retain and reinstate the characteristic architectural, landscape and streetscape elements of the conservation area,
- O3** Ensure that new development will safeguard the historic, cultural, social, architectural or aesthetic significance of the building, work or site.



- O4** Ensure that new development will maintain the character and streetscape of the area.
- O5** Ensure that the proposed form of roof and details the style, size, proportion and position of openings of windows and doors the colours, textures, style, size and type of finish of materials to be used on the exterior of building are compatible with similar features and materials used in the existing building on the site and in the conservation area.
- O6** Retain any horticultural or stylistic feature of merit of the building, work or site, or the conservation area generally,
- O7** To encourage the removal or reversal of components which detract from the heritage significance of the conservation area.
- O8** To limit partial demolition such that it does not alter nor detrimentally affect the heritage significance of the particular building nor of the conservation area.
- O9** To retain the cohesive appearance of the terraced commercial/retail premises within The Strand.
- O10** To ensure that new built elements accommodate modern day living requirements for the residents, e.g. garages, and complement the integrity of existing buildings on the site, and the conservation area generally.

### **Provisions**

#### *Demolition Details (Partial or Total)*

- P1** Buildings or works which are considered, in the opinion of the Council, to contribute to the significance of the conservation area or its streetscape should not be demolished.
- P2** Non-contributory buildings or works should only be demolished where their removal is supported through appropriate analysis as part of a heritage impact statement.
- P3** Notwithstanding Provisions P1 and P2, demolition of an existing structure should not be permitted unless development approval has been achieved for a replacement structure, or for appropriate restoration, renovation or repair of the building, works or site.

#### *Layout*

- P4** Dwelling houses should be asymmetrical in plan and of single storey appearance as viewed from the street, and shall maintain the predominant building alignment from the front boundary. This control recognises, however, that there are a number of original two-storey dwellings in this conservation area.
- P5** Outbuildings (garages, garden sheds, etc.) should relate to the dwelling with setbacks from the street for outbuilding(s) to reflect that of the street.

#### *Ground and First Floor Addition Details*

- P6** Traditional architectural feature elements should be incorporated/ integrated to avoid the creation of large plain wall surfaces.

- P7** Alterations and additions should be incorporated to complement the style of the existing building and its setting, and not detract from the original and/or existing relationship of the building or works to the street.
- P8** Upper floor extensions should not interrupt the existing roof line. An original high-pitched roof suited to the building style may allow rooms at an attic level, with appropriately scaled dormer windows for light.
- P9** Other forms of upper addition are generally out of character and/or given allotment size, prove to be overpowering and as such, are unacceptable.

#### *Roof Details*

- P10** Roofs for Federation style dwellings should form one major (hipped) section with secondary gables and hips. Bungalow roofs are simpler in treatment. A-frame, mansard and Cape Cod type variations are not acceptable.



**Roof Forms of a Federation Style Dwelling**

- P11** Small suitably designed gables or gablets and other repeated elements should reflect the proportions, detailing and form of the main gable.
- P12** The use of turrets, spires, domes and towers, and dormer windows are permitted, where appropriate, as they break the roof form and add individuality, and are useful to reinforce a change in floor plan, a corner, verandah or entry. These elements are not to dominate the contextual form or setting of the existing building,
- P13** Additions and extensions should not to have a roof line which dominates the front and/or side elevations of the dwelling nor be out of scale with those in the conservation area.
- P14** Roof additions should not dominate the presentation of the existing dwelling as viewed from the street and shall remain recessive, to be limited to appropriate roof elements which maintain the existing composition of the front façade.
- P15** Extensions located to the rear of the dwelling should respect the form and balance of the existing rear part of the building and the layout of the garden, and should incorporate the use of a skillion or simple hip roof treatment, with a demonstrably lower ridge height compared to that of the 'main' roof section of the dwelling to appear subservient to the form and balance of the main roof.
- P16** Upper floor extensions should be contained within the existing roof line, particularly with existing roof forms of a high pitch (30 to 35 degrees) required to accommodate a proposed attic level. Such roof additions will capture sunlight from appropriately scaled dormer windows.

- P17** Any lateral roof extension should be in a 'corrugated iron' clad skillion section or, if pitched, to have the ridge at a markedly lower level than that of the main existing roof form.
- P18** Other forms of alterations and additions which do not satisfy Controls P10–P17 are considered to be generally out of character and unacceptable (other than skillion sections of dwellings or outbuildings).
- P19** Roofs of all residential buildings should be finished with either slates or Marseilles terracotta orange tiles (unglazed), as appropriate, with roofs to be completed as a single entity. Patching of roof materials to be undertaken from rear to front and side elevations, with replacements occurring to the whole of the rear, as necessary to allow existing material to be recycled for use on the side and front roof slopes.



**Unglazed Terracotta Tiles with Marseilles Profile (above) or Slate Roof (below)**

**Advisory Note:**

Repairs to slate roofs is a specialist's job where colour, texture and material weight need special consideration, Patching with recycled materials may leave an undesirable "mottled" effect.

*Roof Decoration Details*

- P20** Decoration and detail of new roofs should, where appropriate, be designed and detailed to match the design and details of the existing house or other contributory houses in the conservation area.
- P21** The following list includes typical roof details:
- Terracotta ridge cappings and ornaments (crests, finials) are appropriate for tile and slate roofs.
  - Original gable ends may accommodate shingles (oiled or painted) or rendered brickwork, either stucco and roughcast patterns.
  - Rafter ends to roof caves are to be exposed, but shall maintain a minimal overhang.
  - Guttering shall be of half-round or ogee profile, with downpipes to be round in profile.
  - Skillion roofs at the rear of dwellings should be clad in corrugated iron/Custom Orb.

### *Chimney Details*

- P22** Chimneys should be retained in situ, where possible, to be supported on beams within the roof if fireplaces are required to be removed. Main fireplaces are not to be removed.
- P23** The detailing and proportions of proposed chimneys of a dwelling should match existing chimney elements of that dwelling, or of a complementary dwelling in the conservation area.
- P24** Modern flues, exhausts and similar elements should generally be avoided and are not permitted on the front or side elevations of a dwelling house, or where they can be seen from the street.

### *Verandah Details*

- P25** New verandahs, both simple and elaborate in decoration, should match existing feature in original detail as well as be appropriate to the architectural style of the dwelling. Appropriate details include:
- verandahs supported by turned timber column supports
  - full open edges, generally finished with slate or marble slabs for Federation style dwellings
  - partial enclosure with low brick walls and/or timber balustrades or stone/ brick
  - verandah brickwork forming a plinth for the timber supports, either capped, with brick on edge or stone, and/or
  - mosaic or tessellated tiling for the verandah floor surface.
- P26** Columns, decorative timber brackets and valance boards (spanning column tops) should be retained and restored/ reconstructed, to remain as important elements for defining, by their position and spacing, particular features (entries, windows, verandah corners and gables).
- P27** Verandah covering, if not integral with the 'main' roof of the building, should be of corrugated iron form.



**Verandah Details**

#### *Façade Details*

**P28** The external wall finish of a dwelling should match that of the existing dwelling or be appropriate to that of original dwellings in the area and incorporate the following details:

- smooth face brickwork, in red to brown, purplish
- rough cast and stonework under bay windows
- horizontal courses of darker brickwork and tuck pointing, to highlight façades
- and/or tuck-pointing and brick banding.

**P29** Any bay window to the side elevation to a side street on a corner lot should be appropriately scaled, have windows of proper proportions, not exceed one in number and be preferably adjacent to a front or rear 'wrap around' verandah.

#### *Window and Sunhood Details*

**P30** New windows for a dwelling are to match and complement original windows and shall incorporate the following details:

- vertical modules, either single and grouped in banks divided only by timber sashes and mullions
- the proportions of an opening rectangular window shall generally be a third as wide as it is tall (for a single window), with banking in these proportions for larger openings and for bay windows
- window frames should be in wood and (or suitable wood lookalike construction) painted in colours to match originals. Stained woodwork is not suitable

- windows types shall be appropriate to the existing detailing of the dwelling house

**P31** A feature of the majority of the original dwellings is a lack of side window to the front rooms and, as such, this feature should be retained.

**P32** Sunhoods on Federation dwellings generally utilise a wooden frame with either tile, slate or wood shingle covering, usually consistent with the roofing material.

#### *Door Details*

**P33** Front doors shall match existing and may contain moulded recessed timber panels and leadlight/stained glass panels, together with sidelights and fanlights to accentuate the prominence of the entry.

**P34** Side or other doors, which are not the main entry, may be less elaborate.

#### *Material Details for Residential Dwellings, Shops and Commercial Premises and Associated Structures*

**P35** Original materials of the 1900-1920s period are to be used, or where these are not available, second hand or substitute materials of appropriate quality are encouraged where they do not alter the 'heritage' look of the completed building element. Applicants are to identify the source of appropriate materials with the Development Application and to supply samples for approval as part of the development assessment process.

#### *Garage and Carport Details*

**P36** Carports should be located behind the front alignment of and adjacent to the dwelling house or to the rear of the site, to reflect the particular site's originality.

**P37** Garages should be located at the rear of the site and should not dominate the dwelling on the site nor those adjoining and nearby. These structures should be recessive in their design outcome.

**P38** Basic materials of construction, including colours and finishes, for garages and carports are to be similar to that for dwelling houses, shops and commercial premises, or other existing original car sheds in the conservation area.

**P39** Metal roller garage doors are not suitable for garages that face the street. It is preferred that garages incorporate either:

- timber bi-fold or swing doors, or
- appropriately styled timber faced tilt doors of which such doors should be of a dark heritage colour, where appropriate.

**P40** Timber-posted carports with pitched roofs should be designed to be as discrete as possible and positioned singly and behind the adjacent main building external wall or added to an existing single garage,

**P41** Carports should not be enclosed nor be provided with doors.





**Garages to be Located to the Rear of the Dwelling**

- P42** Driveway paving should reflect the garden setting of the existing dwelling and incorporate the use of period garden design elements, i.e. gravel finishes, informal paving, brick edging, etc.
- P43** Garages and carports on corner sites should be located at the rear of the rear yard and should not be forward of the building line of the adjacent dwelling.

*Fence and Gate Details*

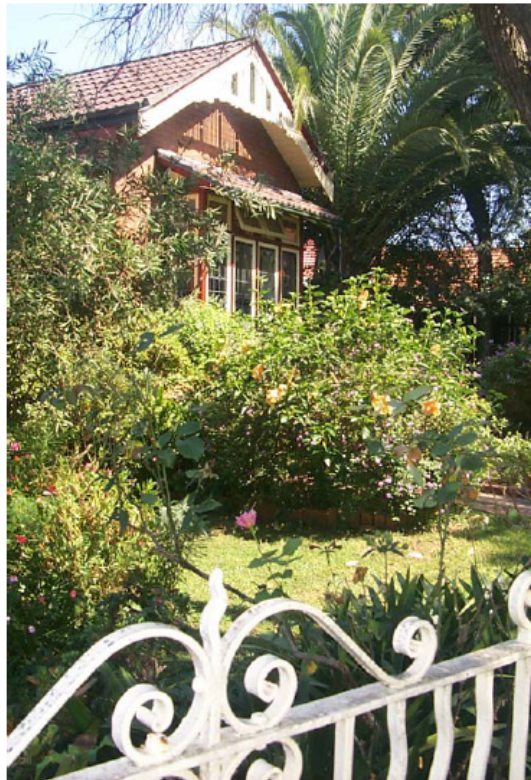
- P44** The style and height of front and side return fencing should reflect the original details and characteristics within the Malvern Hill Estate, such as:
- timber picket
  - low brick with or without metal pipes or wrought iron work
  - low brick with stone capping and base
  - post and rail with cyclone wire infill for side return fencing.
- P45** Gates, letterboxes, lighting and other street furniture or site facilities, visible from the street are to be appropriately styled to reflect original details and characteristics relevant to the Malvern Hill Estate.
- P46** Side fences (behind the building line, except for corner lots) and rear fences should be formed by up to 1.8m high wooden palings.
- P47** Side return fences on corner properties should be of the same height and form (facing the side street) as the front fence up to a point towards the rear of the dwelling where the skillion section commences (or would normally commence).
- P48** The rear section of the side fence on a corner site facing the side street should be 1.8m high paling fencing.



*Landscaping/Gardens Details*

**P49** A formal design is appropriate for front and side gardens viewed from the street, with landscape plans to demonstrate:

- well defined boundaries
- trimmed lawns (preferably buffalo or couch)
- edges and planting in neat beds
- shrubs and shade trees, as features, located to complement the setting of the dwelling house.



**Landscaping and Garden Details – Formal Front Gardens**

**P50** Pathways and flowerbeds may divide the lawn area.

**P51** Rear gardens may be more informal and functional to individual use.

**P52** A landscape plan should be provided where alterations or additions to existing garden layouts are proposed. New planting should correspond with details of original plant species and garden layouts typical of the period garden setting of the dwelling or, where more appropriate, the conservation area.

**P53** Existing contributory trees, plants, garden layouts and garden features should be retained and incorporated within any development proposal.

*Colours, External Finishes and Other Decoration Details*

**P54** A full colour scheme should be provided with the Development Application, with colours selected to correspond to paint types, shades and compositions which respect the period character of the existing building or work or, where more appropriate, the conservation area generally.

- P55** Existing contributory details and decorations should be maintained and preserved.
- P56** New details and decorations should reflect the original detailing and decoration of existing building or works, or where more appropriate, the conservation area generally.
- P57** Unpainted surfaces such as brick or stone work of original buildings or works should not be painted, plastered or covered with any other material.

*Subdivision Details*

- P58** The integrity of the original subdivision pattern of the Malvern Hill Estate should be preserved. Subdivision of any type is generally discouraged. Strata subdivision is not permitted.

*Dual Occupancy Details*

- P59** Detached dual occupancies are not deemed appropriate to this Conservation Area.
- P60** Any other form of dual occupancy development should conform to all of the BDCP requirements for this Conservation Area.
- P61** Strata subdivision of dual occupancies is not permissible within the Conservation Area.

*Additional Controls for New Development*

- P62** The major design form of a new building should be compatible with the conservation area such buildings generally should be asymmetrical in plan and massing. The scale and style of new development should depict and reflect that of the predominant stylistic features within the Conservation Area.
- P63** Feature elements are necessary to avoid large blank façades, both to the street and on side elevations, and, in residential development, may include bay windows (within limits), verandahs, protruding gables, with hipped or gabled roof lines which exhibit variations in line but are generally well pitched in accordance with their architectural style.
- P64** A new building should relate sympathetically to the street and the adjoining buildings.
- P65** Ancillary buildings (garages, garden sheds, workshops, etc) should complement the proposed main building for the site, with design and detailing typical of the conservation area wherever possible, and particularly where they are visible from the street.
- P66** The removal of uncharacteristic or unsympathetic ancillary buildings from the conservation area is generally encouraged.
- P67** Garages and carports on corner sites should be located at the rear of the rear yard and should not be forward of the building line of the adjacent dwelling.

*The Strand Shopping Centre*

**Advisory Note:**

This section additionally applies to buildings and uses on the east and west sides of The Strand shopping centre, Croydon. It establishes principles and provides guidelines for façade alterations only to existing buildings within The Strand shopping centre. It is additional to other provisions for heritage in centres contained in Section 3.8.

- P68** Preservation, reinstatement and maintenance of original façades and shopfronts is required.
- P69** To achieve appropriate development to the original façades and shopfronts within The Strand, proposals shall satisfy the following aims:
- Preserve and maintain original parapets, with existing detailing, unpainted and free of hoarding and signs.
  - Restore and maintain original upper level windows, with alternatives, being sympathetic in scale and proportion.
  - Replacement downpipe and guttering to be circular in section.
  - Retention of continuous awning at unified heights and fascia to each shop.
- P70** First floor balconies should remain open, as important functional and architectural elements of the front façade. Enclosure of balconies will only be permitted if compatibility with original window types can be demonstrated.
- P71** Rear elevations and structures are to be treated and maintained in a manner that is of quality and character appropriate to The Strand and its controls.
- P72** The profile of the front parapet wall should be maintained as a silhouette against the sky.
- P73** The removal of first floor windows that have altered the profile of former openings is encouraged, with the original window to be restored.
- P74** The level of overhead awnings above footpath level should match existing.
- P75** Overhead awnings shall be of a uniform depth and form to match that predominant within the terrace group, with timber fascia and gutter to be maintained or reinstated on buildings that originally featured a timber fascia, where appropriate.
- P76** New shopfronts shall reflect original details and proportions, including the siting of recessed entrance doors.
- P77** Gable ends to the roof above eaves level should retain their existing details, where present.
- P78** The symmetry about the central shop within each group of three shops shall be maintained, in particular at eaves level, in roof pitch and ridge level.
- P79** Visible pitched roofs shall be finished in slate or unglazed “Marseilles” terracotta tiles.

## 5 Other Development Provisions

This section provides general and specific requirements for development other than that dealt with in Part 3 (Centres and corridors) and Part 4 (Residential areas).

### 5.1 Subdivision of Land

The BLEP 2012 sets development standards for minimum subdivision lot sizes in Clause 4.1 and the Lot Size Map.

In calculating lot size, the access handle for hatchet-shaped allotments is excluded.

The following controls apply in the R1, R2 and R3 Residential zones:

- All lots must have frontage to a street frontage to a lane alone is not accepted.
- The minimum width of a lot at the street frontage is 12m, or in the case of a hatchet-shaped lot, the minimum width of the main body of a lot (excluding the access handle) is 12m.
- The access handle of hatchet-shaped lots must have a minimum width of 2.5m.
- Lots should generally be regular in shape (i.e. rectangular). Boundaries that kink or dogleg around structures, or result in impractical spaces, shall be avoided.

**Advisory Note:**

There are additional provisions for the subdivision of land if it pertains to a heritage item or a property within a heritage conservation area (Refer to Section 4.7). Subdivision of a heritage property is generally not supported.

## **5.2 Health Consulting Rooms**

Health consulting rooms are permitted with consent in all residential and business zones under the Burwood Local Environmental Plan (BLEP) 2012. The BLEP defines health consulting rooms as “*premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than three health care professionals at any one time*”.

The following control applies:

The portion of a dwelling house used as a health consulting room must not exceed 50% of the floor area.

## **5.3 Child Care Centres**

### **5.3.1 Introduction**

This BDCP section provides guidance for development of child care centres by the establishment of additional provisions required by Council. This section applied to child care activities that are covered by the definitions of a centre-based child care facility, school-based child care, and home-based child care under the BLEP 2012.

### **5.3.2 Aims**

The overall aims are:

- To promote excellence and best practice in the design and operation of child care centres.
- To promote the establishment of child care centres that meet the needs of the community.
- To ensure that proposals for new or enlarged child care centres respond positively to their context and setting, have minimal environmental impact are compatible with neighbouring land uses and integrate into existing residential environments.
- To provide child care centres that will support the effective implementation of an early childhood teaching program and assist staff in providing essential support, supervision, care and education of young children.
- To encourage the development of child care centres that maximise the health, safety and well-being of children and staff in child care centres.

### **5.3.3 Relationship with other Legislation, Plans and Policies**

This Section should be read in conjunction with other relevant legislation, plans or policies including:

#### **State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

Establishes consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas. Includes development standards for child care centres that may be eligible to be considered exempt or complying development. See the **Guide to the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017** for further instruction.

#### **Child Care Planning Guideline 2017 – Delivering quality child care for NSW**

This document is referred to as the *Child Care Planning Guideline 2017* in this DCP Section. It aligns NSW planning controls with the National Quality Framework for early education and care.

#### **Building Code of Australia (BCA)**

BCA compliance is necessary in order to be granted a CC. The BCA specifies the relevant standards which apply to centre based children's services. There are technical requirements relating to structural considerations, fire resistance, access and egress, services and equipment, health and amenity.

### **Food Act 2003 (incorporating food safety standards)**

Where child care centres conduct food preparation on their premises, the activity is subject to the provisions of the NSW Food Act. This legislation adopts national food safety standards which apply to all food businesses and places requirements on the operator to ensure the facilities provide for the safe preparation of food.

### **The Road Hierarchy Plan.**

A copy of the current version is included in the appendices section of this DCP (refer to Section 8.4). Applicants should confirm with Council that the version in the appendix is up to date prior to lodging any DA.

### **Any relevant Australian Standards (AS), particularly:**

AS/NZS 1428.4:2009: Design for access and mobility

AS/NZS 2890.1:2004/Amendment 1:2005: Parking facilities

AS/NZS 4422:1996: Playgrounds surfacing – Specifications, requirements and test method and

AS/NZS 4486.1:1997: Playgrounds and playground equipment – Development, installation, inspection, maintenance and operation.

## **5.3.4 Child Care Centre Approval Process**

### **Making an Application**

Child care centres require both development consent from Council, and a licence from the applicable State Government agency under the Care and Protection Act. It is essential that applicants liaise both with this agency and Council early in the planning process.

The steps in obtaining approval are as follows:

- Consultation with Council to determine requirements and community needs before selecting and purchasing a site or preparing plans.
- Applicants to consult with the applicable State Government agency to determine licensing requirements before selecting a site or preparing plans. At all times, the applicant is to refer to the specific controls and requirements of the Care and Protection Act and Regulation.
- Site selection, site analysis and plan preparation. Consider pre-lodgement meeting with Council prior to submitting DA.
- Submit a Development Application to Council, including the requirements identified in Section 5.3.6 – 5.3.7.

### **State Government Licensing Requirements**

Every applicant must consult the applicable State Government agency and obtain the most recent publications for the establishment of a child care centre.

## **5.3.5 Development Controls**

DAs for child care centres must address the considerations and regulations within Part 2, 3 and 4 of the Child Care Planning Guideline, as well as the development provisions below. If a DA fails to comply with one or more of the requirements of this DCP or the Child Care Planning Guideline, the applicant should detail how the objectives have otherwise been met. Appropriate responses to each part of the Child Care Planning Guideline shall be provided within a Statement of Environmental Effects for any DA for a child care centre.



## **Site Selection and Location**

### **Objectives**

- O1** To ensure that child care centres are located on sites:
- Where the facility is compatible with neighbouring land uses.
  - The amenity of neighbours is maintained.
  - Which are accessible by public and private transport.
- O2** To provide a safe and healthy environment for children attending the facility and that minimise the potential for environmental hazards, such as electromagnetic radiation, noise and air pollution to impact adversely on the health of children, staff and others attending the centre.
- O3** To determine the appropriate capacity of a child care centre site, by assessing:
- The characteristics of the site, including the site's ability to provide adequate building and playground facilities to meet the needs of children and staff.
  - The characteristics of the surrounding locality, and in particular adjoining land uses.
- O4** To incorporate landscaping to protect the visual and acoustic privacy of adjoining properties and provide adequate screening for outdoor play areas and enhance streetscape presentation of the development.

### **Provisions**

#### *Compatibility with Surrounding Land Uses*

- P1** Applicants must address Part 3.1 and 3.2 of the Child Care Planning Guideline to ensure the site and location are conducive to the proposed use as a child care centre.
- P2** A site for a child care centre must not be located within 100 metres, or within sight, of land used for Sex Services Premises or Restricted Premises.

#### *Site Responsive Design*

- P43** Council will consider the results of the site analysis and must be satisfied that:
- The analysis has been used as a basis for the subsequent design of the child care centre and that the design of the child care centre is suitable for the site.
  - Is satisfactory in terms of its impact on the streetscape and character of surrounding development and the local environment.
  - Will have minimal impact on the amenity of neighbouring properties.

#### *Accessibility*

- P4** Child care centres must be located within 200m of a public transport stop (bus) or station (train).
- P5** The following areas must not have a slope that exceeds 1:10:
- Every entry to a child care centre, not being an entry for staff only.

- The whole of the Playground.
- Child Accessible Areas within a Building.

**P6** A continuous path of travel must be provided to allow access for people with a disability to the street frontage, car parking and main entrance of the building and should extend to all facilities and useable open spaces within the site. Applicants must refer to Australian Standard AS/NZS 1428.4:2009: Design for access and mobility to assist the orientation of people with vision impairment for details of the applicable standards to meet this control.

### **General Provisions Applicable to Child Care Centres in All Zones**

#### *Mandatory Reports*

- P1** An acoustic report must be prepared and submitted as part of the DA by an accredited acoustic consultant (having qualifications eligible for membership to the Association of Australian Acoustical Consultants).
- P2** A landscape plan must be prepared and submitted as part of the DA by a suitably qualified professional.

#### *Land Contamination Assessment*

- P3** Where a child care centre is proposed on a site that is identified as potentially unhealthy or contaminated, an environmental site contamination assessment must be submitted with the DA to demonstrate that the site is environmentally safe and is suitable for use as a child care centre.

The provisions of State Environmental Planning Policy 55 (SEPP 55 - Remediation of Land) may apply.

#### *Environmental Hazards*

- P4** A child care centre must not be located within 30 metres of an electricity transmission line carrying a load equal to or greater than 132kV.
- P5** Council may refuse a child care centre that is located within 300m of a mobile phone tower.

#### *Heritage Assessment*

- P6** Where a child care centre is proposed on a site:
- On which a heritage item is situated; or is
  - Adjacent to or within the vicinity of land on which a heritage item is situated; or is
  - Within a heritage conservation area,
- a heritage impact statement (HIS) must be submitted with the DA to enable Council to take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item and its setting or the heritage significance of the conservation area.

### *Fire Safety and Evacuation Plan*

- P7** A fire safety and evacuation plan is required to be lodged with Council prior to the issuing of the Occupation Certificate. Refer to Part 4.8 of the Child Care Planning Guideline for requirements.
- P8** Child care centres located on the third level or above of a building shall nominate an 'area of refuge' in the event of fire or other emergency where evacuation is not possible.

### **Special Provisions in Residential Zones**

#### **Objectives**

- O1** To ensure that child care centres do not undermine or compromise the amenity of residential areas.
- O2** To promote child care centre building forms that are compatible with the character of existing surrounding residential development.
- O3** To allow child care centres where best practice standards of indoor and outdoor unencumbered spaced is provided.

#### **Provisions**

##### *General*

- P1** Applicants must demonstrate, through acoustic and visual analysis, that the proposed child care centre will not impact adversely on the surrounding locality and, in particular, the amenity of adjoining occupants.
- P2** Applicants must also demonstrate that the surrounding locality and land uses on adjoining land will not impact adversely on the amenity of children, staff and others occupying the child care centre.
- P3** Sites used for a child care centre must not be used for residential purposes unless the residence is located in an upper storey separate from the child care centre and accessed by way of a separate entrance.
- P4** Outdoor open space at first floor level or above will not be permitted in the R2 zone.

##### *Minimum Site Area / Site Frontage*

- P5** The minimum site area for a child care centre on a residential zoned land is 600 square metres excluding Rights of Way and access handles.
- P6** Sites in the R2 zone shall have a minimum site frontage of 15 metres.

##### *Built Area*

- P7** The maximum Built Area is 67%.

Built Area is determined to be the total floor area of all buildings relative to the area of the allotment of land expressed as a percentage. The calculation of Built Area shall be taken from the external face of walls (i.e. includes wall thickness) and includes the area of each floor or storey balconies, verandahs and the like, whether covered or

uncovered, open or enclosed garages, carports and covered car parking (except basement car parking) and outbuildings. Built Area excludes outdoor swimming pools, paths and exterior driveways.

### Setbacks

#### P8 Front setback dimensions:

Building Component	Minimum Setback from Street Alignment
Ground floor	Existing predominant building line
First floor and above	9.0m

\*Side and rear setback dimensions:

Building Component	Minimum Setback from Side and Rear Boundaries	
	Side	Rear
Ground floor	0.9m	3m
First floor	1.5m	6m

\*In the case of a child care centre being located within a Residential Flat Building (three or more above ground levels), the setback requirements of the ADG shall apply to the entire development.

## Special Provisions in All Non-Residential Land Use Zones

### Objectives

- O1** To ensure that the proposed child care centre will be compatible with the objectives of the relevant land use zone.
- O2** To ensure that proposed child care centres in non-residential zones are compatible with, and do not affect the operation of, any existing or likely future non-residential land uses in the immediate vicinity.
- O3** To provide opportunities for child care places close to workplaces and business centres.

### Provisions

#### General

- P1** A site used for a child care centre must not be used for residential purposes.

## Indoor and Outdoor Space Requirements

### Overview

This subsection does not stipulate the maximum site area requirements or minimum child numbers but rather relies upon the applicable Regulation requirements for minimum unencumbered indoor and unencumbered outdoor space to become key determinants in establishing a site's overall size.

### Objective

- O1** To ensure the minimum unencumbered indoor and unencumbered outdoor space are provided on a child care centre site.

- P1** Refer to Part 4.1 and 4.8 of the Child Care Planning Guideline for requirements.

### **Internal Design and Functionality**

#### **Objective**

- O1** To provide attractive, safe and functional indoor spaces which provide for positive experiences and developmental growth of children and enable adequate staff supervision of children at all times.

#### **Provisions**

- P1** Refer to Part 4.1 – 4.8 of the Child Care Planning Guideline for requirements.

### **Playground and Landscaping Requirements**

#### **Overview**

This part of the BDCP applies to the provision of outdoor play spaces and playgrounds of the child care centre. These spaces are vital to the children as they provide the only opportunity for active play.

#### **Objectives**

- O1** To provide an outdoor play setting for children which will accommodate different forms of play and assist in the overall development of children's developmental skills e.g. gross motor, physical, social and intellectual.
- O2** To provide an outdoor play setting for children which addresses key safety requirements including appropriate fencing and restriction to public access.
- O3** To create a sensory rich, visually attractive setting in which children can learn through play.
- O4** To provide landscaping to child care centres that will make it compatible to adjoining properties and enhance the visual attractiveness of the neighbourhood.
- O5** To avoid plant species that may be hazardous to children.

#### **Provisions**

- P1** Refer to Part 3.4 and 4.9 – 4.13 of the Child Care Planning Guideline 2017 for requirements.

### **Hours of Operation**

#### **Objective**

- O1** To ensure hours of operation are compatible with, and result in minimal disruption to neighbouring land uses and have minimal effect upon the amenity of adjoining and adjacent neighbours in residential areas.

- P1** Refer to Part 3.7 of the Child Care Planning Guideline for requirements.

## **Traffic, Parking and Access**

### **Objectives**

- O1** To ensure child care centres are sited and designed to allow the safe set down and pick up of children and the safe movement of children to and from the centre.
- O2** To ensure child care centres are sited and designed to allow safe vehicular movement and parking by staff, parents, visitors and service vehicles.
- O3** To ensure parking does not significantly modify the visual quality and character of residential areas.
- O4** To ensure off-street parking areas are designed to retain and enhance the quality and integrity of the streetscape.
- O5** To minimise congestion on adjoining streets caused by additional traffic and parking generated by child care centres and to therefore minimise inconvenience to nearby residents.
- O6** To ensure child care centres provide access for the mobility-impaired and adults accompanied by children and prams.

### **Provisions**

#### *Minimum Car Parking and Access Requirements for All Child Care Centres*

- P1** Car parking must be provided in accordance with the requirements for child care centre in Table 5, including the provisions dealing with parking spaces for people with disabilities. All spaces must be clearly labelled as either "reserved for staff" or "reserved for parents".
- P2** The main entry pathway areas from the road to the building must be at least 1.8 metres wide and clearly delineated.
- P3** If on-site parking is provided in a right-angled layout, pathway access from the front of the car must be provided to the main entry to the centre.
- P4** Bollards must be installed between the edge of any on-site car park and pathway from that car park to the child care centre. Bollards must be at least 1.2m in height.
- P5** One designated disabled parking space must be provided that complies with Australian Standard AS/NZS 2890.1:2004/Amendment 1:2005: parking facilities.
- P6** All access by vehicles to and from the child care centre is to be in a forward direction.
- P7** A two way, two lane vehicle access driveway must be provided. The grade of the driveway must comply strictly with Australian Standard AS/NZS 2890.1:2004/Amendment 1:2005: parking facilities.
- P8** Where vehicle access to a child care centre is from a road designated as a Regional Road or above on the Road Hierarchy Plan (Section 8.4) a left in / out arrangement must be provided.
- P9** Lines of sight from access driveways to through traffic must not be obstructed by vegetation.

*Additional Car Parking Requirements Where Maximum Capacity of Child Care Centres is Proposed*

**P11** Vehicular access arrangements to comply with Australian Standard AS/NZS 2890.1:2004/Amendment 1:2005: parking facilities, particular with respect to driveway dimensions (whether single driveway or one way system with two driveways are provided) and shall be clear of any on-site standing area used for parking.

**P12** Walkways within the car park must be clearly delineated.

*Basement Car Parking Provisions for All Child Care Centres*

**P13** Basement car parks may be permitted for child care centres on land with frontage to local and classified roads following appropriate consideration of the impacts on the residential amenity of the streetscape.

**P14** Where a basement car park for a child care centre is permitted, the car park must be no greater than 500mm above the existing natural ground level.

**P15** Where a basement car park for a child care centre is permitted, the entry to the basement requires careful consideration in order to ensure that the amenity and character of the streetscape is maintained.

**P16** All basement car parks require that vehicles enter and leave the site in a forward direction.

**P17** Where a basement car park for child care centres is permitted, and is for use by parents delivering or collecting children, the design of the car park must include a pedestrian access path that removes the need to cross the path of moving vehicles (including parking manoeuvres) when entering or leaving the child care centre.

**P18** Pedestrian congregation points (for example, at lift wells) in the basement car park are to be well lit, delineated and protected from through flow of traffic.

**P19** Access to and from the car park must be via a two way 5.5m wide (kerb to kerb) ramp. The Ramp grades from the basement car park and transition zones must comply with Australian Standard AS/NZS 2890.1:2004/Amendment 1:2005: parking facilities.

**P20** The minimum height clearance must be 2.2m. A 2.5m clearance must be provided above a designated disabled parking space in line with Australian Standard AS/NZS 2890.1:2004/Amendment 1:2005: parking facilities.

**P21** A turning area must be provided within the basement car park which is clearly marked as a non-parking area.

**P22** All pedestrian access to and from the child care facility and the basement car park is to be clear of the entry point and to be via a lift or ramp. Whether via a lift or ramp, the pedestrian access must be wheelchair accessible.

**P23** Parking and vehicle access areas must be separated from children's areas by child-proof safety fencing and gates.

**P24** Any security grill guarding entry to a basement car park must be left open during the hours of operation of the child care centre.

## Noise

### Overview

The high density usage of small spaces combined with insufficient variety, diversity and number of play opportunities for children are a known cause of a breakdown in children's behaviour with an ensuing increase in noise. In addition, the competing requirements of locating accessible child care centres in residential neighbourhoods, providing generous and unencumbered outdoor spaces for children to enjoy their activities and the right of nearby neighbours to a reasonable level of noise amenity are potentially at conflict and require a considered approach to a child care centre's planning.

### Objectives

- O1** To provide for the visual and acoustic privacy of nearby residents in their dwellings and private open spaces.
- O2** To ensure that a child care centre in a residential area does not generate unacceptable noise levels such as to impact adversely upon the amenity of adjoining properties and other properties close to the site.
- O3** To recognise that providing adequate space, variety, diversity and play opportunities for children will play a role in reducing the noise levels experienced by adjoining properties and other properties close to the site.
- O4** To protect children from excessive noise which may be generated by proximity to roads, industrial premises, aircraft or rail operations.

#### **Advisory Note:**

The meaning of all technical terms contained herein shall be that defined in the State Government's NSW Industrial Noise Policy (the "INP") and the Environmental Noise Criteria for Road Traffic Noise (the "ECRTN").

### Provisions

- P1** An acoustic report must be prepared and submitted as part of the DA by an accredited acoustic consultant (having qualifications eligible for membership to the Association of Australian Acoustical Consultants). Refer to Part 3.6 of the Child Care Planning Guideline for requirements.

## Privacy Considerations

### Objectives

- O1** To ensure a child care centre does not interfere with the visual privacy or amenity enjoyed by those occupying residential sites in proximity to a proposed child care centre.
- O2** To ensure that children and staff occupying a child care centre experience visual privacy and amenity.

### Provisions

- P1** Refer to Part 3.5 of the Child Care Planning Guideline for requirements.



## **Sunlight Access and Ventilation**

### **Objectives**

- O1** To minimise overshadowing of neighbouring properties.
- O2** To ensure adequate sunlight to internal and external spaces in child care centres.
- O3** To ensure appropriate ventilation of internal spaces.

### **Provisions**

- P1** Refer to part 4.4 of the Child Care Planning Guideline for requirements.

## **Health and Safety**

### **Objectives**

- O1** To ensure child care centres are healthy and safe for children, staff and visitors.

### **Provisions**

- P1** Proposals must comply with current Australian Playground Standards.
- P2** Written proof of compliance with AS/NZS4422:1996 - Playground Surfacing requirements must be provided.

## **Child Care Centres on Classified Roads**

This section sets out the additional provisions which must be complied with, where an application seeks to permit child care centres on a classified road.

### **Overview**

Child care centres may be permissible on classified roads, under exceptional circumstances, and only where the proposed development complies with all of the provisions below. This section seeks to allow greater flexibility in locating child care centres on classified roads, while at the same time, maintaining and ensuring the highest standards of safety for users and occupants of the development.

#### **Advisory Note:**

Refer to *Appendix 8.4: Road Hierarchy Plan* to identify which roads may be interpreted as Classified Roads.

### **Objectives**

- O1** To provide greater opportunities for the provision of child care centres throughout the Burwood LGA.
- O2** To ensure the highest possible safety of any child care centres on a classified road.

### **Provisions**

#### *Mandatory Reports*

- P1** In addition to all other requirements, a DA seeking approval for a child care centre on a classified road must also submit an air quality report prepared by a suitably qualified professional that verifies that the air quality of the subject site is within the relevant guidelines for a child care centre use.

*Access Requirements*

- P2** Access must be to a local road in all circumstances where possible.
- P3** All vehicular and pedestrian access to child care centres located on a Classified Road which also have frontages to a local unclassified road must be provided via the local, unclassified road frontage with a minimum distance of 30m between the edge of the driveway or pedestrian entry (e.g. kerb alignment) and the edge of the classified road.

*Emergency and Evacuation Procedures*

- P4** Refer to Part 4.8 of the Child Care Planning Guideline for requirements.

*Site Safety Measures*

- P5** Suitable physical barriers must be provided to prevent wayward vehicles entering the site and to ensure protection of the external play areas.
- P6** External wall construction to the elevation fronting the classified road must be suitably durable to afford greater protection to all occupants of the development.
- P7** A safety barrier or similar measure (such as a retaining wall on an elevated site) must be provided along the property boundary with the classified road to prevent wayward vehicles entering the site.

*Pedestrian Safety Measures*

- P8** Pedestrian safety fencing around the perimeter of the site, including the on-site car parking area must be provided. The design of the perimeter fencing must require that all pedestrian access be provided via a designated pedestrian path which traverses the car parking area via a circuitous, indirect route, to actively discourage parents/carers from parking on the classified road.
- P9** Pedestrian safety fencing must be provided around the perimeter of any child care centre and associated car parking areas on sites located on a Classified Road which also have a side or rear street frontage to actively discourage parents from parking on the classified road.

## **5.4 Boarding House and Co-Living Housing**

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) includes requirements for boarding house and co-living housing.

In addition to the Housing SEPP, applicants should be aware of their obligations under the Boarding Houses Act 2012 and the requirements of the Boarding Houses Regulation 2013.

This section of the DCP aims to encourage the provision of high quality boarding house and co-living housing developments by providing objectives and controls in addition to those provisions in the Housing SEPP.

This section applies to

- development of new boarding house and/ or co-living housing,
- change of use of existing buildings to boarding house or co-living housing, and
- alterations and additions to existing boarding house developments.

Reference should also be made to Area-based controls and Heritage provisions under other sections of this DCP where applicable.

### **General Objectives**

- O1. Ensure that boarding house and co-living housing developments are well located, close to public transport and services.
- O2. Ensure that the overall design of boarding house and co-living housing developments do not detract from the existing character of the neighbourhood.
- O3. Ensure that the design of new boarding house and co-living housing development results in an acceptable level of amenity for future occupants through consideration of solar access, open space provisions, privacy, safety and security.
- O4. Ensure that boarding house and co-living housing developments deliver an acceptable level of amenity and minimise the impacts on neighbouring properties.

#### **5.4.1 Site Planning**

##### **Objectives**

- O5. Ensure the site is of sufficient width and area so is capable to
  - accommodate practical vehicular access and car manoeuvring,
  - provide open space with satisfactory level of amenity, and
  - provide reasonable separation from the adjoining properties.
- O6. Ensure the site is of a sufficient dimension to accommodate high quality development.

##### **Provisions**

- P1. The minimum lot size for a boarding house and co-living housing developments is to be consistent with the requirements of the Housing SEPP.
- P2. The minimum site frontage for boarding house or co-living housing developments is 17m.

- P3. Development must not result in the isolation of adjoining land. Where a development may result in the creation of an isolated site or sites, the application must address the site isolation requirements under relevant sections of this DCP.

#### **5.4.2 Local Streetscape Character**

##### **Objectives**

- O7. Ensure that new development is compatible with the scale and compliment the character of the surrounding development and streetscape.
- O8. Ensure that new development proposed on land that is within the vicinity of a heritage item or within a Heritage Conservation Area is designed so that it is sympathetic to the heritage significance of the heritage item or the HCA and sensitively integrate the new development into its surrounding area.

##### **Provisions**

- P4. The development application is to be supported by a statement and detailed site analysis which demonstrates to Council's satisfaction the compatibility of the design of the development with the character of the local area.

The statement must include the following:

- a description of the existing character in terms of elements that contribute to the overall character of the local area (comprising streetscape and visual catchment area),
  - any design responses for the following characteristic elements, as a minimum:
    - i. predominant building type,
    - ii. predominant height of buildings,
    - iii. predominant front setback and landscape treatment,
    - iv. predominant side setbacks,
    - v. predominant rear alignment of buildings and rear landscaping,
    - vi. the architectural form (built form, massing and proportions and roof form and pitch), materials and finishes of existing buildings that contribute to the character of the local area,
    - vii. predominant parking arrangements on sites within the area (location, structures), including the location of vehicular crossings and driveway entry.
  - an explanation of how the design of the proposed development has regard to the site analysis provisions in accordance with Section 2.2 of the BDCP, and
  - an explanation of how the design of the proposed development has regard to the design excellence provisions in P6 and P7.
- P5. Boarding house and co-living housing developments located in the vicinity of a heritage item or within a Heritage Conservation Area must be designed to sympathetically address the significance of the heritage item or the Heritage Conservation Area. The development application is to be supported by a statement that demonstrates compatibility of the design of the development with the character of the local area. The statement must address at least the following:

- i. elements identified in P4 above,
- ii. the significance of the heritage item or Heritage Conservation Area,
- iii. the age and style of existing buildings,
- iv. the curtilage of the Heritage Item, and
- v. predominant design features such as verandas, eaves and parapets.

### **5.4.3 Design Excellence**

#### **Objectives**

- O9. Provide quality design that delivers the highest standard of architectural, landscape and urban design.
- O10. Provide design excellence that inspires and encourages the neighbourhood to follow.
- O11. Enhance the qualities of the area and design to uplift the future character of the neighbourhood.

#### **Provisions**

- P6. Where Clause 6.5 of the BLEP 2012 applies, the Development Application must identify, through a design statement, how design excellence will be achieved in the proposed development. The design statement must include drawings and examples of the building features, textures, materials, finishes and colours and how they are suitable to the subject site and its context.
- P7. If Clause 6.5 of the BLEP 2012 does not apply, the new development must exhibit design excellence and the Development Application must identify, through a design statement, how design excellence will be achieved. The design statement must respond to the following:
  - (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) 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.

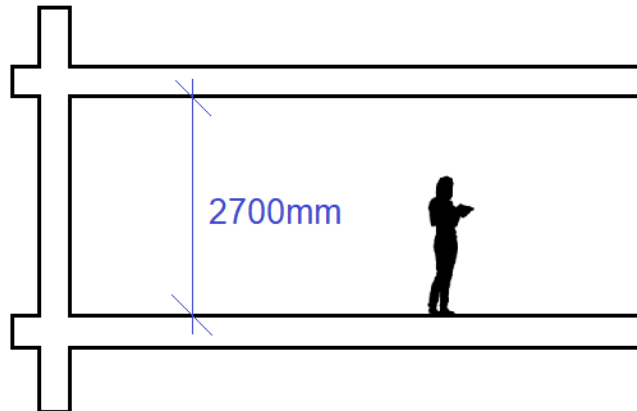
#### 5.4.4 Built form Design

##### Objectives

- O12. Establish the appropriate separation of the built form to the public domain and adjoining development.
- O13. Ensure ceiling heights allow for sufficient daylight access and natural ventilation.

##### Provisions

- P8. The main entrance of the boarding house or co-living housing development is to be provided within the street elevation to address the street. Side entrances will only be permitted on sites with a secondary frontage and only where they result in a cohesive resolution of the streetscape and do not adversely impact upon neighbouring properties.
- P9. Boarding house and co-living housing developments must have a minimum floor to ceiling height of 2.7m for habitable rooms. Subterranean habitable rooms will not be supported.



**Figure 78. Minimum floor to ceiling heights for boarding house and co-living housing**

- P10. In the case of existing dwellings being converted into boarding house or co-living housing, existing floor to ceiling heights are to be maintained or be no less than 2.7m, whichever is greater. Contributory facade elements and the integrity of the dwelling's structural framework are to be maintained.
- P11. Any new boarding house and co-living housing developments in an R1 General Residential Zone shall provide a front setback that is equivalent to the predominant street setback or 6m, whichever is greater.

P12. For new boarding house or co-living housing development that has less than 3 storeys in an R1 General Residential Zone, the minimum side and rear setbacks shall comply with the following minimum requirements:

	Side Setback	Rear Setback
Ground Floor	2.0m	6m
First floor	3.5m	6m

**Advisory Note:**

Any new boarding house or co-living housing development that has at least 3 storeys, the building will comply with the minimum building separation distances specified in the Apartment Design Guide as required by Section 25 and Section 69 of the State Environmental Planning Policy (Housing) 2021.

P13. In a residential zone, where a side or rear boundary of the development is contiguous with a heritage item, the required minimum setback is:

- 5m for any part of the building at or above ground level, and
- 4m for any underground excavation, irrespective of the setback of the heritage building from its boundary or landscaping of that setback.

P14. The fire stairs, pump rooms or similar structures must not detract from the overall visual amenity of, and should not be located within the setback area.

P15. Balconies or pergolas are not to encroach into the minimum side and rear setback areas.

P16. Development must locate the private open spaces and communal open space behind the front building line, with the exception of balconies or pergolas which may be located within the front setback area, however these must be designed so as to not encroach more than 1.5m into the front building setbacks.

### 5.4.5 Visual Appearance and Articulation

#### Objectives

O14. Ensure well-proportioned built forms, façade treatments and varied architectural character that minimises the appearance of building bulk from the public domain, including along the street.

O15. Ensure that the scale, modulation and façade articulation of development responds to its context.

O16. Manage the floorplates with pragmatic internal planning that sensibly informs the façade and external articulation.

O17. Ensure services including fire booster valves, substations and other infrastructure do not detract from the streetscape presentation of a building.

#### Provisions

P17. Building facades must be clearly articulated and employ high quality materials and finishes that enhance and complement the streetscape character. Design solutions may include:

- a composition of varied building elements,
- a defined base, middle and top of buildings,
- revealing and concealing certain elements,
- changes in texture, material, detail and colour to modify the prominence of elements, and
- varied roof forms that add visual interest.

P18. Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include

- well composed horizontal and vertical elements,
- variation in floor heights to enhance the human scale,
- elements that are proportional and arranged in patterns,
- public artwork or treatments to exterior blank walls, and
- grouping of floors or elements such as balconies and windows on taller buildings.

P19. Large areas of blank, minimally or poorly articulated walls are not acceptable.

P20. Development must not rely solely on the use of two-dimensional colour and materials to create visual interest. Modulation and articulation in the building form must be considered in the design of the building. Large span or proportion of rendered cement on elevations is not permitted.

P21. Important corners should be given visual prominence through a change in articulation materials or colour, roof expression or change in height.

#### **5.4.6 Internal Design**

##### **Room Design**

P22. The internal area of private rooms within co-living housing developments and boarding rooms must comply with the requirements of the Housing SEPP 2021.

##### **Communal Living Area**

P23. Communal living areas in boarding house and co-living housing developments must comply with the requirements of the Housing SEPP 2021. The calculation of the area can include any dining area and area that is intended to be used for recreation, but cannot include bedrooms, bathrooms, laundries, reception area, storage, kitchens, car parking, loading docks, driveways, clothes drying areas, corridors and the like.

P24. Where communal living areas are situated:

- on ground level of a development, these must be located adjacent to the outdoor communal open space; or
- above ground level of a development, these must be located as close to any outdoor communal open space where possible.

P25. For boarding house and co-living housing developments 4 storeys or more, a communal living area is to be provided for every 4 storeys or part thereof.



### **Kitchen Facilities**

P26. A private kitchenette should include at minimum a sink, cupboards and cooktop. Laundry facilities can be integrated into the kitchenette. An area with a minimum width of 600mm immediately in front of the kitchen joinery must be provided for the purpose of kitchen. Details are to be included on the Architectural Plans submitted with the Development Application.

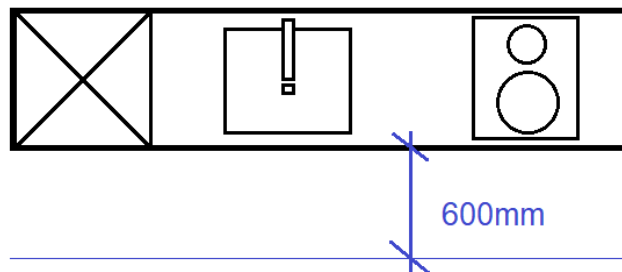


Figure 79. Kitchen area calculation

P27. Where communal kitchen rooms are provided within a development, these must be situated adjacent to the communal living area and must comply with the following requirements. Details are to be included on the plans submitted with Development Applications.

Class 1b Kitchen	A communal commercial grade kitchen area with kitchen sink and facilities for food preparation, tables and chairs in a central location, accessible to all residents with a minimum area of 6.5m <sup>2</sup> for one to six residents or 11m <sup>2</sup> for 7-12 residents
Class 3 Kitchen	A commercial grade communal kitchen and dining area with a minimum area of 15m <sup>2</sup> plus 1m <sup>2</sup> per additional person above the minimum 12 persons.
Kitchen Requirements	<p>The following must be provided in any kitchen as a minimum:</p> <ul style="list-style-type: none"> <li>▪ One sink for every six people with running hot and cold water.</li> <li>▪ One stove top cooker for every six people.</li> <li>▪ Exhaust ventilation.</li> <li>▪ A lockable drawer or cupboard for food storage for each guest in the kitchen area.</li> </ul>

### **Laundry Facilities**

P28. For co-living housing developments, private laundry facilities must be provided within each individual room.

P29. For boarding house developments, adequate laundry facilities will be available within the premises and could be provided as private, communal or a combination of both.

P30. Where a communal laundry is provided, it is to provide:

- 1 washing machine/dryer (or combo) for every 8 rooms or part thereof, and
- 1 large laundry tub with running hot and cold water for every 8 rooms or part thereof.

P31. A least one outdoor clothes drying area shall be provided and located to maximise solar access. The outdoor clothes drying area must be well integrated within the

landscape design and must not be located where visible from the street or public domain.

P32. All appliances achieve an energy star rating of 3.5 or higher, unless otherwise legislated.

#### **5.4.7 Visual Privacy and Acoustic Amenity**

##### **Objectives**

O18. Ensure an acceptable level of visual privacy and acoustic amenity is provided for the development and adjoining residential uses

##### **Provisions**

P33. The siting of windows and other openings and communal or gathering spaces above ground level should avoid direct overlooking to adjoining residential uses. Where overlooking cannot be avoided, redirection of views to the front or rear should be incorporated into the design of the development.

P34. Bedrooms within boarding house and co-living housing developments must be designed to locate bedrooms away from significant internal and external noise sources.

P35. Consideration of the design of the development should aim to minimise the impact of noise internally and to the adjoining development. The design of the development should consider:

- the location of openings relevant to adjoining uses and neighbouring properties,
- locating similar building uses (such as bathrooms) back to back

P36. Noise mitigation treatments and design considerations for developments adjoining busy roads or rail corridors, that satisfy the requirements for habitable rooms in accordance with Department of Planning, Industry and Environment's 'Development Near Rail Corridors and Busy Roads – Interim Guideline' and the requirements of Clause 2.120 of SEPP (Transport and Infrastructure) 2021 must be addressed, where appropriate. Details are to be included with the documentation submitted with the development application.

#### **5.4.8 Landscaping and Open Space**

##### **Objectives**

O19. Ensure sufficient and well located private and communal open space to meet the recreational needs of residents.

O20. Provide areas for deep soil planting to achieve increased urban tree canopy cover and deliver green grid connections.

O21. Maximise the landscape curtilage around the site for quality planting, establishment of tree canopies and creation of useful outdoor spaces in addition to boundary screen planting.

O22. Incorporate landscape design early in the design process to provide optimal outcomes for the residential amenity. Landscaping needs to be coordinated with other disciplines to ensure building design and service locations complement landscape and public domain.

## Provisions

### Landscaping and Deep Soil

P37. A detailed landscape plan must be submitted with any development application for boarding house and co-living housing developments.

P38. Existing significant trees and vegetation, where achievable, must be incorporated into the proposed landscape treatment.

P39. Deep soil zones are to be provided to meet the following minimum requirements.

Site area	Minimum dimensions	Deep soil zone (% of site area)
800m <sup>2</sup> – 1,500m <sup>2</sup>	3m	10%
Greater than 1,500m <sup>2</sup>	6m	

P40. Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:

- basement and sub-basement car park design that is consolidated beneath building footprints,
- use of increased front and side setbacks,
- adequate clearance around trees to ensure long term health, and
- co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil.

P41. Alternative forms of planting should be provided, such as planting on structures while ensuring appropriate stormwater management is achieved where:

- the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres), or
- there is 100% site coverage or non-residential uses at ground floor level.

P42. Planting in deep soil areas is to include trees that achieve a minimum mature height of 6m.

P43. Structures in a landscaped area need to be reinforced for additional saturated soil weight, as appropriate.

P44. Where development is proposed in an established residential zone, the front setback area must be landscaped to be compatible with the existing streetscape.

P45. Landscaped areas should take advantage of existing site conditions when responding to features such as:

- Changes of level,
- Views, and

- Significant landscape features including trees and rock outcrops

### **Private Open Space**

- P46. Private open space provided to individual rooms of boarding house or co-living housing development must have a minimum dimension of 1m and minimum area of 2m<sup>2</sup>.
- P47. For rooms with access to the ground level or a podium, private open space must be provided to individual rooms, with access from the room.
- P48. For each room above ground level facing street along the front elevation, a private open space in the form of balcony must be provided to increase the visual interest and enhance the passive surveillance to the public domain.
- P49. Where possible private open space shall be provided to individual rooms. The private open space is to be designed so as to not to impact the amenity of neighbouring residential properties.
- P50. Private open spaces above ground level can be designed in the form of recessed balconies to mitigate privacy impacts to the adjoining residential properties.
- P51. Clear glazing to balustrades must be avoided. The balustrade design should be visually recessive.

### **Communal Open Space**

- P52. Communal open space is to be provided in accordance with the requirements of the Housing SEPP 2021 and must be consolidated into a well-designed, easily-identifiable and useable area.
- P53. Communal open space may be provided above ground level where:
- i. the proposed elevated communal open space will provide a high level of amenity as a communal open space at ground level of the site; and
  - ii. there will be no significant impact on surrounding properties in respect to the loss of visual and acoustic privacy.
- P54. At least 50% of the required communal open space area is to receive 2 hours of direct sunlight between 9am and 3pm on 21 June.
- P55. Roof top communal open space areas, amenities and common rooms should include equitable access for all residents, and must be designed to ensure that noise and overlooking of residential neighbours will be avoided, by way of screening and setbacks from boundaries.
- P56. Where roof top communal open space is proposed on a site adjoining land that permits lower maximum building height, the communal open space is to be setback to minimise the extent of overlooking onto the adjoining properties.
- P57. Ancillary structures on the roof such as lift overruns and staircases should be located where their impact is minimised to reduce their visual dominance. Balustrades should be visually recessive or be incorporated into a roof feature.

P58. Communal facilities such as barbeques, seating and pergolas shall be provided within the communal open space. Details are to be included on the landscape plan submitted with the development application.

P59. Planting should be used to screen communal open space from adjoining properties or the public way, with trellis, screens with climbing vines or the like, used to complement deciduous tree planting.

#### **5.4.9 Parking**

##### **Objectives**

O23. Minimise the adverse impact of vehicles on the amenity of the development, streetscape and neighbourhood.

O24. Ensure adequate provision of secure bicycle parking.

O25. Ensure that basement car parking is appropriately designed for user safety and environmental sensitivity.

##### **Provisions**

P60. The number of car parking spaces will be provided at the rate as prescribed under the SEPP (Housing) 2021.

P61. At least one parking space will be provided for a bicycle for every 5 rooms in co-living housing and boarding house development.

P62. At least one parking space will be provided for a motorcycle for every 5 rooms in co-living housing and boarding house development.

P63. The design and consideration of the car park or parking facilities shall refer to the relevant Transport and Parking section in the BDCP.

#### **5.4.10 Operational Management**

##### **Objectives**

O26. Ensure management and operational practices secure the safety and wellbeing of occupants.

O27. Ensure that development is operated and maintained in a manner that minimises impacts on adjoining owners and residents.

O28. Ensure that clear and suitable operational measures and practices are in place for the on-going management of boarding house and co-living housing developments.

##### **Provisions**

P64. Co-living housing developments are to be managed by a manager who has overall responsibility including the operation, administration, cleanliness, maintenance and fire safety of the premises. Management arrangements are to be set out in a Plan of Management.

P65. A development application for boarding house or co-living housing must be accompanied by a Plan of Management which provides all details relevant to the operation of the premise. The Plan of Management, as a minimum, must address the ongoing management and operational aspects of the development. A template Plan of Management is included at the Appendix 8.5.

**Advisory Note:**

The approved Plan of Management will form part of any development consent and any changes to the Plan of Management will require an application under the provisions of s4.55.

#### **5.4.11 Fire Safety**

##### **Objectives**

O29. Ensure the appropriate level of fire safety within all boarding house developments and that acceptable levels of service provision are maintained.

##### **Provisions**

P66. The relevant fire safety requirements under the Building Code of Australia/ National Construction Code shall be considered at early state of the design of boarding house and co-living housing development.

P67. An Emergency Evacuation Plan must be prepared as part of the Plan of Management detailing the evacuation procedures in the event of the emergency, provision of resident log book, identifying the assembly point and detailing how residents will be made aware of the procedures contained within the plan. The Emergency Evacuation Plan must be clearly displayed within each room and in the communal living areas of the development. A condition of consent will be included in this regard.

#### **5.4.12 Service Facilities**

##### **Provisions**

P68. Consideration shall be given to waste collection and removal at the early stage of the overall design of the building. The waste management and services shall comply with the relevant requirements under Section 6.2 of the BDCP and shall be designed to minimise adverse impacts to the amenity of the residents and the neighbouring properties.

P69. Garbage bin areas and external storage facilities shall be sited and designed for attractive visual appearance (e.g. with appropriate screening) and function and complement the architecture and environs. The size, capacity and location of garbage bin areas shall be in accordance with the Waste Management provisions of this DCP.

P70. Mail box and postal facilities to be included and to comply with provisions P8, P9 and P10 under Section 3.2.4 Street-Front Activities and Building Access. Refer to **Figure 1** and **Figure 2**.

P71. Fire safety and power supply utilities are to comply with provision P12 under Section 3.2.4 Street-Front Activities and Building Access. Refer to **Figure 3**.

P72. Mechanical and ventilation equipment are to comply with the provisions under Section 3.2.4 Street-Front Activities and Building Access.

P73. Building services elements such as electrical substation, OSD tanks, gas meters, fire hydrant boosters and the like should be thoughtfully integrated either with building or landscape design, to improve the entry experience and maximise pedestrian amenity within the public domain interface along the street. These details must be indicated on the plans submitted with the development application.

#### **5.4.13 Signage**

##### **Provisions**

P74. A maximum of one external sign will be permitted with a maximum area of 0.3m<sup>2</sup>. The sign shall indicate the address of the property.

P75. Details of the signs location (if proposed) are to be shown on the development application plans.

## 5.5 Backpackers' Accommodation

Backpackers' accommodation is permissible in all the Business Zones under the BLEP 2012, except for the Neighbourhood Centre Zone. These zones are well-located for public transport services on which backpackers are likely to rely.

Backpackers' accommodation as defined in the Standard Instrument means a building or place that provides:

- Temporary or short term accommodation on a commercial basis, and
- Shared facilities, such as a communal bathroom, kitchen or laundry, and
- Accommodation on a bed or dormitory-style basis (rather than by room)

The planning provisions aim to improve the amenity of occupants of backpackers' accommodation, and minimise negative impacts on the amenity of neighbouring development. The provisions apply to DAs seeking to:

- Erect or construct a new backpackers' accommodation
- Convert or adapt existing buildings
- Additions to, refurbish or upgrading of existing backpackers' accommodation

### Objectives

The broad objectives of this BDCP Part are to:

- O1** Recognise backpackers' accommodation as temporary and short term accommodation for tourists or visitors.
- O2** Provide guidance to applicants and professionals on building requirements and Council regulations in the preparation of a Development Application for backpackers' accommodation.
- O3** Ensure that any building providing backpackers' accommodation maintains a satisfactory standard of amenity.
- O4** Ensure the appropriate level of fire safety within all backpackers' accommodation and that an acceptable level of service provision is maintained.

### Definitions

The key terms in this DCP section include:

- **Short term accommodation** is defined as accommodation which is provided for short term residents or tourists staying less than three months.
- **Temporary** means the provision of short term accommodation on a nightly, weekly or monthly basis, with a person staying in the premises for not more than two months.

### Provisions

#### *Building Density and Height*

- P1** The maximum permissible FSR for backpackers' accommodation is that applying to the location in the FSR Map under the BLEP 2012.



- P2** The maximum permissible building height for backpackers' accommodation is that applying to the location in the Building Height Map under the BLEP 2012.

#### *Setbacks*

- P3** Provisions regarding building setbacks for backpackers' accommodation will be assessed on their merits.

#### *Room Sizes, Recreational Areas and Washing Facilities*

##### **Sleeping Rooms**

- P4** The number of people accommodated in a room will be determined by allocating a minimum of 5.5 sqm of floor area of the room for each person.
- P5** Light and ventilation shall be provided to sleeping rooms in accordance with the provisions of the Building Code of Australia (BCA).
- P6** Each room should contain adequate secure storage facilities to provide storage space for clothes and travel gear.
- P7** Appropriate floor coverings shall be used in the rooms to minimise the impact of noise.
- P8** Bedding and flooring must be easily cleaned and maintained.

##### **Kitchen and Dining Areas**

- P9** The floor area of the combined kitchen and dining area will be determined on the basis of 1 sqm per occupant.
- P10** The dining area must be able to accommodate up to 50% of occupants at any one time

##### **Toilets and Showers**

- P11** Toilet and shower facilities within the premises are to comply with the provisions of the Building Code of Australia
- P12** Toilet and shower facilities for employees and persons with a disability are to be provided in accordance with the provisions of the BCA.
- P13** The amount of washing facilities to be provided are is calculated on the following figures:

<b>Facilities</b>	<b>No of persons</b>
Bathrooms (shower and or plunge bath)	One per 10
Washbasins	One per 10
Toilet - up to 10 residents	One per 10
Toilets - more than 10 residents	One per 20 males One per 15 females

- P14** Toilet facilities must be provided in a separate compartment from the bathroom / shower room.

##### **Laundries and Drying Facilities**

- P15** A common laundry shall be provided for the use of all residents of the premises.

**P16** Provision shall be made for the placement of an outdoor clothes line.

#### *Operational Controls*

#### **Management Plan**

**P17** A management plan is to be developed and maintained and be accessible to Council as requested. The management plan shall address the following operational aspects of the backpackers' accommodation:

- Fees for residency.
- Kitchen usage, the provision of meals or resident provision of meals.
- Use of communal space and facilities.
- Parking for cars.
- Cleanliness and maintenance of the property and grounds.
- House rules, e.g. guest behaviour, activities and noise, visitor policy, operating hours of outdoor common areas, use of alcohol and/or drugs.

**P18** An operational Management Plan is to be submitted with each DA for a backpackers' accommodation (including new and existing boarding house) to ensure that the proposed premises operate in a manner that maintains a high level of amenity.

#### **Management and Registration**

**P19** A management office shall be visibly located within the backpackers' accommodation and be accessible to all boarders.

**P20** The backpackers' accommodation is to be registered annually with Council.

**P21** Properties located adjacent to the backpackers' accommodation premise must be provided with a 24 hour telephone number for the property manager/caretaker.

#### **On-Site Management**

**P22** All new backpackers' accommodation is to have a contact person acting as an agent of the Manager and must be nominated and contactable 24 hours per day, 7 days a week.

**P23** The agent may be accessible off-site or be one the occupants residing on the premises.

**P24** A clearly visible sign with the name and telephone number of the contact person must be displayed externally at the front entrance of the boarding house and internally in the common area.

**P25** Where on-site managers are provided, they must be over 18 years of age.

#### **Maximum Number of Residents**

**P26** The number of occupants (not including children under the age of 5 years) must not exceed the maximum number of persons determined by Council to be accommodated in each bedroom or dormitory and in the whole premises.

## Bedroom Numbering

- P27** A schedule showing the numeral designation of each bedroom and the number of persons permitted to be accommodated in each room must be conspicuously displayed on the premises.
- P28** Each bedroom must be numbered in accordance with the schedule and must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.

## *Fire Safety and On-Site Security Measures*

### Fire Safety Regulation

- P29** Backpackers' accommodation must provide a high level of fire safety. Fire management practices are to be established to ensure safe and efficient access and egress and that all fire equipment and warning systems are regularly checked on an annual basis (a fire safety statement is to be supplied to Council) and maintained in accordance with the provisions of the Local Government Act 1993 and Building Code of Australia (BCA).
- P30** A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room.
- P31** A Council requires new premises to comply with the provisions of the Building Code of Australia (BCA). Where a DA proposes alterations and additions or upgrade to an existing backpacker premises it will be expected the whole of the building will be upgraded in respect of Fire Safety and will be assessed on its merits.

### Security Cameras

- P32** All new backpackers' accommodation must provide closed circuit television cameras that are installed in all common areas and shall be connected to a central monitoring centre within the accommodation.

### Additional Safety Measures

- P33** Additional safety and security measures for all residents may include but are not limited to such things as internal signage indicating the property caretaker or manager and contact number, emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of permitter lighting, appropriate fencing and secure gates, all residents to have own keys.

## *Acoustic Impact Minimisation*

- P34** The following noise abatement provisions should be complied with:

Design considerations for noise abatement include consideration of the:	<ul style="list-style-type: none"> <li>▪ Location of windows in respect to the location of windows in neighbouring properties.</li> <li>▪ Sensitive location of communal outdoor areas away from main living area or bedroom windows of any adjoining dwelling.</li> <li>▪ The use of screen fencing or planting as a noise buffer for external noise sources or in terms of transferral of noise from communal areas to surrounding land uses.</li> </ul>
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	<ul style="list-style-type: none"><li>▪ The use of acoustic barriers as a noise buffer to external noise sources from surrounding land uses and/or passive design considerations within the building to minimise noise intrusion</li><li>▪ The incorporation of double glazing of windows or use of glass blocks (for light penetration but not suitable where natural ventilation is also required)</li><li>▪ Locate similar building uses (such as bedrooms to bathrooms) back to back internally within the building, to minimise internal noise transmission.</li></ul>
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## 5.5A Serviced Apartments

Serviced apartments are defined in the BLEP 2012 as a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner or manager's agent. This part of the BDCP provides detailed controls to guide development of serviced apartments for short term stay purposes.

Serviced apartments play a significant and growing role in the tourist and visitor accommodation market and may become a more common form of development in the Burwood LGA as the BLEP 2012 permits them in all business zones except the B1 Neighbourhood Centre zone, and in the R1 General Residential zone.

Serviced apartments in compliance with the definition are not residential flat buildings. Strata subdivision of the units in a serviced apartment development may be inconsistent with the definition of serviced apartments and is not permitted by Council unless certain conditions apply.

Given the requirements of the definition, serviced apartments are to operate on a commercial basis and entail regular servicing and cleaning. They should be furnished and a maximum letting period of three months should apply.

Applications for serviced apartments therefore must be accompanied by a Management Plan that confirms these arrangements in compliance with the definition.

### Objectives

The broad objectives of this BDCP Part are to:

- O1** Recognise serviced apartments as temporary and short term accommodation for tourists or visitors.
- O2** Provide guidance to applicants and professionals on building requirements and Council regulations in the preparation of a Development Application for serviced apartments.
- O3** Ensure that any building providing serviced apartments maintains a satisfactory standard of amenity.
- O4** Ensure the appropriate level of fire safety within all serviced apartments and that an acceptable level of service provision is maintained.

### Provisions

#### *Operation and Management*

- P1** The serviced apartments in an approved serviced apartments development are to be maintained and operated as a single entity.
- P2** An operational Management Plan is to be submitted with each DA for a serviced apartment development to ensure that the proposed premises operate in a manner consistent with the definition of serviced apartments.
- P3** The Management Plan must provide satisfactory details on the following matters:

- Provision of a manager or an agent of the manager within the serviced apartment premises, the hours of the manager's availability and contact details 24 hours per day, 7 days a week.
  - Details of the Emergency Management and Evacuation Plan for the premises
  - The on-site management is responsible for operation, administration, cleanliness and fire safety of the premises including compliance with the Management Plan and Emergency Management and Evacuation Plan
  - Provision of a "front desk" where keys are made available to clients and that also deals with other relevant matters such as the provision of information on the use of common areas and facilities, car parking and house rules.
  - Details of the regular servicing and cleaning of the serviced apartments, and details of the permanent furnishing of the apartments.
  - Details of the letting arrangements, with a provision to be included that limits the stay of tenant(s) to a maximum of three months.
- P4** A clearly visible sign with the name and telephone number of the on-site manager must be displayed externally at the front entrance of the serviced apartments.
- P5** Consents issued for serviced apartments developments will be conditioned to the effect that the maximum length of stay of a client is not to exceed three months to ensure that developments comply with the relevant definitions in the BLEP 2012.
- P6** All serviced apartments must be furnished prior to occupation.

#### *Strata Ownership*

- P7** Strata subdivision may be approved where all of the units in a development are a group in a strata plan. Parking for the serviced apartments also must be grouped together with the serviced apartment units in the strata plan.
- P8** Strata subdivision of individual serviced apartment units or groups of units may be permitted only where a covenant in Council's favour is placed on strata title in accordance with Section 88E of the Conveyancing Act 1919 restricting the use of the premises to tourist and visitor accommodation for the purposes of providing temporary and short term accommodation of no more than three months duration.
- P9** In both cases the by laws of the final strata plan are to include a provision requiring the ongoing management of the lots in the strata plan that comprise the serviced apartments complex as a joint entity.

#### *Mailbox and Postal Facilities*

- P10** Mail box and postal facilities to be included and to comply with provisions P8, P9 and P10 under Section 3.2.4 *Street-Front Activities and Building Access*. Refer to **Figure 1** and **Figure 2**.

#### *Fire Safety and Power Supply Utilities*

- P11** Fire safety and power supply utilities are to comply with provision P12 under Section 3.2.4 *Street-Front Activities and Building Access*. Refer to **Figure 3**.

*Mechanical and Ventilation Equipment*

**P12** Mechanical and Ventilation Equipment are to comply with Provisions 15, 16, 17, 18 under Section 3.2.4 Street-Front Activities and Building Access.

## 5.6 Signage and Advertising

### 5.6.1 Introduction

Signage and advertising has become a major visual element in the contemporary urban environment. Signage is located mainly in commercial, business and retail areas. In the Burwood LGA, these include the Enterprise Corridor zone along Parramatta Road, the Burwood and Strathfield Town Centres, the Enfield and Croydon Park Local Centres, the Neighbourhood Centres mainly in The Strand, Croydon and the Light Industrial zone in Enfield. In residential zones, only limited types of signage are permitted that identify buildings or are associated with permitted businesses.

Signage needs to be managed to ensure that it does not detract from the scenic quality of the urban environment. There needs to be an appropriate relationship between signage and other development on land. The buildings in an area, and their context, should be the predominant feature, not signage.

### Definitions

The BLEP 2012 adopts the Standard Instrument definitions for signage (the group term) and the sub terms of advertising structure, building identification sign and business identification sign. Advertisement is also defined. An explanation of each type is provided below:

**Signage.** This is the group term. It means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure
- (b) a building identification sign
- (c) a business identification sign

but does not include a traffic sign or traffic control facilities.

**Advertising Structure.** This is a type of signage. It means any structure that is used principally for the display of an advertisement. A structure is something built or constructed, e.g. of parts, arranged in a certain way. An **Advertisement** means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**Building identification sign.** This is also a type of signage. It means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**Business identification sign.** This is also a type of signage. It means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and



- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

### **Permissibility**

In the Land Use Table of the BLEP 2012, all types of signage are permitted with consent in all of the Business zones (B1, B2, B4 and B6). Building identification signs and business identification signs are permitted with consent in all the BLEP 2012 zones, including the Residential zone, but excluding the SP2 Infrastructure zone.

### **Exempt Development**

Specific categories of signage and advertising may not require development consent subject to satisfying the specified criteria. This form of development is referred to as Exempt Development.

Council's Exempt Development provisions are set out in Clause 3.1 and Schedule 2 of the BLEP 2012. The following categories of signage and advertising are included in Schedule 2:

- Business identification signs.
- Real estate signs (advertising premises/land for sale or rent).
- Existing under-awning signs.
- Non-illuminated signs behind glass frontage of shops.
- Temporary signs.
- Top hamper signs (non-illuminated).

The State Government's Exempt Development provisions are provided within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Division 2 Advertising and Signage Exempt Development Code provides the requirements for:

- Building identification signs.
- Wall signs.
- Fascia signs.
- Under awning signs.
- Top hamper signs.
- Window signs.
- Replacement of identification signs.
- Internal signs.
- Community notice and public information signs.
- Temporary event signs.
- Real estate signs.
- Election signs.

### **State Environmental Planning Policy No. 64 – Advertising and Signage**

SEPP No. 64 is a State Government policy which seeks to ensure that advertising and signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish. The SEPP is of

particular relevance to large scale outdoor advertising. Council cannot grant development consent to any applicable signage proposal unless it is satisfied that the proposal is consistent with the provisions of SEPP 64 and the Assessment Criteria contained therein.

### **Objectives**

The purpose of this DCP section is to provide additional detailed controls on signage that constitutes development permitted with consent.

The objectives are:

- O1** To ensure that signage enhances the visual presentation, character and heritage of the locality.
- O2** To ensure that signage complements the building to which it is attached and the surroundings.
- O3** To prevent excessive signage and visual clutter.
- O4** To facilitate effective and visually interesting advertising of goods and services.
- O5** To ensure that signage does not adversely affect the safety of motorists and pedestrians.
- O6** To ensure signage is of a high quality design and finish.
- O7** To ensure that signs do not affect the amenity of residents, occupiers etc by way of excessive shadow and night illumination.
- O8** To ensure that signage is consistent with community ethics and values.

### **Submission Requirements**

Development Applications for signage and advertising must include:

- Statement of Environmental Effects outlining how the requirements of this policy have been addressed.
- Scale drawings of the proposed signage including a site plan and elevations, which specify the materials, colours and content (i.e. wording and graphics) of the sign, as well as the size and shape of the sign, and details of any reflectivity or lighting of the sign. In some cases, Council may require perspective drawings and/or a photomontage. Coloured photographs and/or drawings may be submitted with a signage application, but only in addition to scale plans and elevations.
- The construction details of the sign including means of attachment to the building, structural support or fixing.
- Details of any existing signs on the building and adjacent buildings which are proposed to be retained.

#### **5.6.2 Specific Provisions by Signage Type**

##### *A-Frame Sign*

A sign comprising a signboard or sandwich board displayed on a public footpath.

- P1** The sign shall be licensed by Council if occupying a public footpath or public space. In such a case, the signage will only be permitted to be located on the footpath immediately forward of the premises to which the license has been issued.
- P2** The sign must be a free-standing A-frame with maximum dimensions of 0.9m high and 0.6m wide with no protrusions or sharp corners, and stable.

- P3** The owner must carry public liability insurance of at least 20 million.
- P4** There must be a minimum of 2m clearance to any other fixed objects on the footpath such as poles, litter bins, seats etc, with a 600mm setback from the face of the kerb.
- P5** The business and proprietor's name is to be clearly identified on the sign.

#### *Fascia Sign*

A sign attached to the fascia or return of an awning.

- P6** The sign does not project above or below the fascia or return end of the awning to which it is attached.
- P7** The sign does not extend more than 300mm from the fascia or return end of the awning.

#### *Flush Wall Sign*

A sign attached to, or painted on, the wall of a building (other than the transom of a doorway or display window) and not projecting more than 300mm from the wall.

- P8** There shall be only one sign per building facade for each occupancy of the premises.
- P9** The sign is not to occupy more than 20% of the area of the wall.
- P10** The sign shall not project above or beyond the wall to which it is attached.

#### *Pole or Pylon Sign*

A sign erected on a pole or pylon independent of any building or other structure.

- P11** The sign shall have a maximum area of 8 sqm, maximum height of 5m above natural ground level except where special circumstances exist.
- P12** The sign shall have a minimum height above ground level of 2.6m where there would be pedestrian movement beneath.
- P13** Where more than one pole or pylon sign is provided, each should have the same setback and be of uniform design and spacing.
- P14** The sign should not obscure or detract from any landscaped area provided.

#### *Projecting Wall Sign*

A sign attached to the wall of a building (other than the transom of a doorway or display window) and projecting horizontally more than 300mm.

- P15** The sign shall not exceed 1.5m in height and 0.5m in width/projection.
- P16** The sign shall be erected at right angles to the building.
- P17** The sign shall be erected horizontal to the ground and provide at least 2.6m clearance from the ground.

#### *School Sign*

A sign located within the boundaries of an educational establishment.

**P18** The sign shall not be greater than 4 sqm in area.

**P19** The sign shall not be more than 3m in height from ground level to the top of the sign.

**P20** There shall not be more than three signs per premises or establishment.

#### *Trailer Advertisements*

Advertisements on trailers parked on (or visible from) roads or road related areas.

**P21** A person must not display an advertisement on a trailer parked on a road or road related area.

**P22** A person must not display an advertisement on a trailer parked on land other than a road or road related area, but visible from a road or road related area, except with the consent of the consent authority.

*Note: P21 and P22 do not apply to:*

- (a) An advertisement that is ancillary to the dominant purpose of the trailer, or*
- (b) An advertisement on a trailer parked by or on behalf of a public authority in the exercise of its functions.*

#### *Top Hamper Sign*

A sign attached to the transom of a doorway or display window of a building.

**P23** The sign is not to extend more than 200mm beyond any building alignment.

**P24** The sign is not to extend below the head of the doorway or window to which it is attached.

#### *Under Awning Sign*

A sign attached to the underside of an awning (other than the fascia or return end).

The sign is not to exceed 2.5m in length and 0.7m between the underside of the sign and the underside of the awning.

**P25** The sign is to be erected at right angles to the building.

**P26** The sign is to be erected horizontal to the ground and provide a clearance of at least 2.6m from the ground.

**P27** The sign is not to project beyond the awning.

**P28** The sign is to be securely fixed by metal supports and fixings.

**P29** The sign shall be not closer than 3m from any other under-awning sign.

**P30** The sign shall be not closer than 600mm to the kerb.

**P31** The sign may be internally illuminated.

#### *Window Sign*

A sign attached to, or displayed on, the window to a shop, office or business premises.

**P32** The sign shall not cover more than 50% of the window area in the interests of safety, surveillance and visual amenity.

### *Signage Panel*

Any advertising structure, other than those described below, including a hoarding or bulletin board.

- P33** The sign shall have a maximum area of 12 sqm.
- P34** There shall be only one sign per building facade.
- P35** The sign shall not extend laterally beyond the wall.
- P36** The sign shall not project above the top of a wall.
- P37** The sign should not obscure or cover any window or architectural feature.
- P38** The internal illumination of large panel signs is generally discouraged as such signs contribute to visual clutter and conflict with street lighting and traffic signals. Real

### *Real Estate Sign*

A sign which contains a notice that the place or premises is for sale or letting together with particulars of the sale or letting.

- P39** A real estate sign in respect of residential premises relating to a letting, sale by private treaty or sale by auction, shall not exceed 2.5 sqm in area.
- P40** A real estate sign in respect of commercial or industrial premises, shall not exceed 3.5 sqm in area.
- P41** The sign shall not be displayed for more than seven days after the commencement of the letting or completion of the sale of the premises or place to which the sign relates and shall not be displayed for not more than 40 days in total.

### *Temporary Sign*

A sign of a temporary nature which announces any local event of a religious, educational, cultural, social or recreational character or relates to any temporary matter in connection with such an event.

- P42** The sign does not include advertising of a commercial nature (except for the name of an event's sponsor).
- P43** The sign is not a fly poster or an A-frame sign on a public footpath.
- P44** The sign is not displayed earlier than 28 days before the day on which the event is to take place and is removed within seven days after the event.

### **5.6.3 Signage in All Areas**

This section applies to all signage in all areas and the provisions are in addition to the particular controls contained within other parts of the BDCP.

### *Inappropriate Signage Types and Maintenance Provisions*

- P1** Council generally does not support the following types of signage:
  - Roof signs.
  - Above awning signs.

- Signage on awning extensions.
- Signage on window blinds or shutters.
- Fly or bill posters on public property.
- Large advertising balloons.
- Flashing, moving or running signs.
- Advertising on parked vehicles, trailers, shipping containers, whether or not registered, where the principal purpose is for advertising.
- Corporate colour schemes, comprising the painting of all, or large parts, of the building's exterior, as such schemes generally obscure architectural features of the building.
- Signage with multiple contrasting colours or rainbow colours.

**P2** Signage should be of limited contrasting colours and proportional to the building and awning.



Signage text should be of limited contrasting colours and proportional to the building and the awning.



Signs with multiple contrasting colours or rainbow colours are discouraged.



Signs with multiple contrasting colours, text not proportional to the building and permanent above awning signs are not permitted.

**P3** New signage schemes should be taken as an opportunity to remove or replace earlier inappropriate signage types. In all cases, new signage will be considered on the basis of its cumulative impact upon the visual presentation of a building, having regard to any existing signage which is proposed to be retained.

**P4** Council discourages signage prone to deterioration in appearance and may order removal of redundant, unsightly, dilapidated or objectionable signage.

**P5** Council may require a provision for maintenance of signage and discourages signage on common boundaries where maintenance difficulties could occur.

*Traffic and Pedestrian Safety*

- P6** Council discourages signage that could cause distraction to motorists in close proximity to traffic lights, pedestrian crossings, etc. Signage that uses digital and LED technology also falls within this category. Moving, flashing or running light signage is not permitted.
- P7** Signs facing roads with high traffic volumes, traffic lights or major intersections may be referred to the NSW Roads and Maritime Services (RMS) for comment. Advertising signs greater than 20 sqm in area and within 250 metres of a classified road will be referred to the RMS for concurrence prior to a decision being made.

*Illumination and Electrical Wiring*

- P8** The glare and/or light spillage from illuminated signage shall not cause a nuisance to adjoining and surrounding residents.
- P9** Electrical wiring to illuminated signage or spotlights is to be concealed in the interests of safety and visual appearance.

*Signage Content*

- P10** The content of signage is to generally relate to goods and services available on the premises.
- P11** Large scale advertising (i.e. other than a building/business identification sign) on classified roads such as Parramatta Road and Liverpool Road contrary to this requirement will be considered on its merits, and may also be subject to SEPP No. 64.

*English and Foreign Language Text*

- P12** Written text upon signage is to be predominately in English. Foreign language text may be permitted where an English translation is provided, and where the foreign language text is provided in smaller lettering or characters.

*Signs on Council Property*

- P13** In considering applications for signage in association with public facilities (such as seating, telephone booths, waste bins or bus shelters), attention will be given to the appropriate placement of such signs. The specific location, design and maintenance requirements should form part of a formal agreement, and the signage would be subject to a Development Application.

*Signage Design Approach*

- P14** Signage for large commercial developments and those that contain multiple tenancies should be the subject of a coordinated signage scheme as part of the overall development.
- P15** Signage for new developments should be incorporated in the architecture of the building or site and approved as part of the initial development approval.
- P16** The proportions of signs should relate to major architectural elements of the building, including window heads, sills, etc.

#### **5.6.4 Additional Signage Controls by Zone Type**

##### **Objectives**

- O1** To provide criteria for the management of signage in relevant zones.
- O2** To minimise the impact of signage on residential uses in the vicinity.

##### **Provisions**

###### *Signage in a Residential Zone and Associated with a Home Occupation, Home Business or Home Industry*

- P1** A business identification sign must be associated with a permitted home occupation, home business or home industry.
- P2** A maximum of one business identification sign or building identification sign is permitted per dwelling house.
- P3** A business identification sign or building identification sign for a dwelling house is to be located wholly within the property.
- P4** Signage associated with dwelling houses is not to exceed 0.3 sqm in area.
- P5** Flush wall signs affixed to the dwelling house are generally preferred. In special circumstances, consideration may be given to a sign on the fence fronting a street, or a free standing sign within the yard having a maximum height of 1.5 metres.
- P6** Such signs should be located unobtrusively, so as to appear an integral part of the building or landscaping.
- P7** Generally, illuminated signs are not permitted. Standard “light boxes” or “cubes” are permitted to identify health care professionals located in health consulting rooms.
- P8** Signage will generally not be permitted in respect to a home occupation, home business or home industry operating from a residential flat building, multi dwelling housing or shop top housing development as there is greater potential for visual clutter on account of the number of occupancies upon one site.

###### *Signage in a Residential Zone and Associated with a Commercial Use*

- P9** A maximum of two signs, being building identification sign and/or business identification signs per development are permitted.
- P10** The sign is to be located wholly within the property, and should appear as an integral part of the building or landscaping.
- P11** Signage types in Residential zones will generally be limited to the following:
- Under awning sign.
  - Fascia sign.
  - Flush wall sign.
  - Top hamper sign.
  - Window sign.



- P12** Illuminated signs are permitted provided these do not adversely impact on residential land uses in the vicinity.
- P13** Signs for non-residential activities may be required to comply with other requirements of this DCP section.

*Signage in the B4 Mixed Use Zone (Burwood Town Centre and Strathfield Town Centre) and in the B1 Neighbourhood Centre Zone*

- P14** Signs above awning level (or 2.5m where there is no awning) will not be permitted.

*Signs in the B2 Local Centre Zone (Enfield East and West, and Georges River Road Croydon Park), in the B6 Enterprise Corridor Zone (Parramatta Road) and in the IN2 Light Industrial Zone*

- P15** Where a building is located on the street alignment, there shall be no more than three signs per frontage to the ground level façade, and no more than one sign per frontage to the upper level façade.
- P16** Where a building is setback from the street alignment, there shall be no more than three signs per frontage.

#### **5.6.5 Signs on, or in the Vicinity of, Heritage Properties**

The provisions of the BLEP 2012 should be consulted for provisions relating to heritage properties.

Buildings or sites may be listed as heritage items either individually or as part of a group or a conservation area. There are a number of heritage items and heritage conservation areas within the Burwood LGA recognised by the community as having heritage significance. Any development, including signage, should preserve and enhance the character of these areas.

In general, signage other than exempt development, business identification signs and building identification signage is prohibited in heritage items and conservation areas.

#### **Provisions**

- P1** Signage should never dominate the architectural features of the building. Advertising should preferably be placed in locations on the building or item, which would traditionally have been used as advertising areas. Opportunities for advertising therefore, may be somewhat limited.

#### *Traditional Signage Opportunities*

- P2** Generally, sign panels can be determined by dividing a building into a grid and identifying locations on:
- A solid parapet above a cornice.
  - The horizontal panel below a cornice.
  - Verandah or awning fascia.
  - Notice boards or plaques on ground floor piers/beside entrance doors.
  - Small signs on individual architectural elements such as rendered blocks.
  - Side walls/party walls able to be viewed above adjacent buildings.



**Figure 80. Traditional Shop Signage Example**

### *Opportunities for Modern Signage*

**P3** Modern signs can, at times, also be accommodated as follows:

- Under awning signs.
- Window signs.
- Low level sign (below ground floor window sill level).

### *Guidelines*

**P4** The following additional matters should be taken into consideration in heritage areas:

- (a) As the external colours applied in different historical periods varied and were more limited in range than those available today, it is wise to research appropriate colour ranges for buildings in heritage areas. Generally, however, the following muted colours are suggested dark green, maroon, brown, terracotta, charcoal, etc. highlighted with creams, pinks, ochres and earth tones.
- (b) Heritage lettering styles may involve shaded letters, the mixing of styles and letters and ornamental scrolls as relevant to the period of the building.

**Advisory Note:**

These controls are in addition to the provisions under the heritage sections.

## 5.7 Sex Services Premises

### Introduction

The BLEP 2012 defines sex services premises as meaning a brothel, and sex services as sexual acts or services in exchange for payment.

Sex services premises are permitted with Council's consent in the B6 Enterprise corridor zone in the BLEP 2012. The land use is not permitted in any other zone in the Burwood LGA.

Where a Development Application is made for sex services premises, the provisions of the BLEP 2012 require Council to consider the impact on specific adjoining land uses and in particular on any place likely to be regularly frequented by children.

Council will only consider applications for sex services premises where they comply with the BLEP 2012, the additional requirements of this DCP section, and after considering the circumstances of the case, including any public submissions received.

**Advisory Note:**

Home occupation (sex services), where sex services are provided in a dwelling by no more than two permanent residents, is a separate definition in the BLEP 2012. This land use is prohibited in all zones in the Burwood LGA.

### Objectives

- O1** To provide more certainty in the development assessment process and assist the community and applicants to understand Council's requirements relating to sex services premises.
- O2** To specify additional planning requirements that will be used by Council to appropriately regulate and control sex services premises so that they do not cause offence in the wider community or result in adverse environment impacts.
- O3** To ensure that sex services premises are operated in accordance with acceptable health and building standards.

### Submitting a Development Application

Because of the often contentious impacts of sex services premises, the following steps should be followed when submitting a Development Application.

- 1. Discussion should be held with officers of Council's Building and Development section about the application before submitting it and consideration given to any suggestions made by Council staff.
- 2. All applications for premises to be used as a brothel, including change of use of an existing building to sex services premise, are to include the following documentation:
  - Location plan drawn to scale showing the proximity of the subject site to any residential property, place of public worship, child care centre, community facility, hospital, school, park, or any other place regularly frequented by children (includes any such uses in adjoining Local Government Areas). The windows and doors of these land uses in relation to the proposed brothel must be indicated. The location plan should also show any other sex services premises or licensed premises in the vicinity.
  - A floor(s) layout plan drawn to scale showing room layout and dimensions, partitioning, location of windows and doors including all entrances and exits from the building. Any proposed internal or external alterations to the premises are to

be clearly indicated on the plan. The proposed use of each room is to be nominated to specifically identify all rooms proposed to be used for the conduct of acts of prostitution.

- A site plan indicating on-site parking, means of pedestrian access, and details of external lighting.

An Statement of Environmental Effects which provides:

- details of existing uses on adjoining properties and any other uses established on the subject property.
- comprehensive description of the proposed development, anticipated impact and measures to ameliorate those impacts.

A Management Plan which provides:

- details about the operating business, including names and contact numbers. procedure for dealing with complaints about operational matters.
- operational details including number of staff, hours and days of operation, including maximum number of staff on site at any one time.
- proposed security measures including handling of money.
- proposed health management procedures including cleaning and waste management.

### **Notification of Applications**

All applications for sex services premises will be notified in accordance with the requirements of this DCP as specified in Part 7.

Applications for sex services premises also will be referred to the NSW Police for comment prior to determination.

### **Provisions**

#### *Location*

- P1** Sex services premises must not breach the following minimum distances (measured to the entrance to the premises used by clients):
- Within 200m walking distance of any school, child care centre, community facility, or place of public worship located within the Burwood LGA or an adjoining LGA.
  - Within a 50m radius (measured from the property boundary) of any other Sex service premises or Restricted premises, regardless of whether it is located within the Burwood LGA or an adjoining LGA.
  - Within 100m radius of any pub or hotel.
- P2** The operation of a brothel inside the sex services premises must not be visible from any lawful land use located within an adjoining residential zone whether located within the Burwood LGA or an adjoining LGA:
- P3** Sex services premises should be located where access is provided from Parramatta Road. Access via side streets is not acceptable.

### *Layout of Premises*

- P4** Premises must be designed so that there is only one visible entrance to the premises. As stated above, it must be from the Parramatta Road frontage of the property.
- P5** The entrance must be illuminated and access to the premises provided so that people visiting the brothel do not have to wait on the footpath. A waiting room or area within the premises should be provided for this purpose if necessary.

### *Parking and Access*

- P6** Parking for sex services premises is to be provided in accordance with Section 5.7.
- P7** Parking areas are to be well lit and sign-posted.
- P8** If parking (as required by this DCP) for the premises is proposed to be provided in the rear of a property, including via access from a rear lane, the application must demonstrate adequate and safe access to the Parramatta Road pedestrian entry of the premises without any impact on adjoining land uses, in particular those in residential zones.

### *Hours of Operation*

- P9** No specific standards are proposed in relation to the hours of operation. However, Council will exercise its discretion in relation to permitted hours of operation of sex services premises in the circumstances of the case taking into consideration the nature of adjoining land uses, hours of operation/use of those premises and possible conflicts with such uses.

### *Scale of Operation*

- P10** Council will consider the appropriateness of the proposed scale of operation relative to the location of the premises, the size of the land parcel and the nature and scale of any likely impacts on surrounding development. Generally, the floor area of the sex services premises is not to exceed 200 sq.

### *Noise*

- P11** The use of the sex services premises shall not give rise to:
- Transmission of vibration to any place of different occupancy, or
  - A sound level at any point on the boundary of a site any greater than the background levels specified in Australian Standard 1055, "Acoustic – Description and Measurement of Environmental Noise", or
  - An "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

### *Signage*

- P12** Council aims to ensure that advertising of premises is discreet and does not cause offence to the general public and the following requirements apply:
- Only one discreetly located external sign will be permitted on premises having a maximum area of 0.5 sqm. Wording must be limited to the name of the business operated and the address. Signs may not display words or images that Council considers to be sexually explicit, provocative, or otherwise offensive.
  - A clearly identifiable street number must be displayed.

- Signs may be externally lit by spotlights only. Internally illuminated signs are not permitted.
- No “chain” bulb or “flashing sign” type lighting is permitted.

**Advisory Note:**

Advertising premises specifically for the purposes of prostitution is an offence under the Summary Offences Act 1988.

*Health Requirements*

**P13** Council aims to:

- Encourage sex services premises to operate in a manner which will not assist in the spreading of communicable diseases.
- Promote the education of sex industry workers and their clients to minimise the risk of contracting sexually transmitted diseases.
- To assist in reasonable working conditions being provided for sex industry workers.
- All sex services premises must be fitted with the necessary services and facilities required for Class 5 buildings (an office building used for professional or commercial purposes) under the Building Code of Australia.
- Full details of Council’s health and building requirements are available from Council. These requirements must be complied with and will be included as conditions of development consent.

## 5.8 Transport and Parking for Other Development

### Strategic Approach

Most of the transport and parking requirements for “other” developments covered by Part 5 of this DCP are already specified in Sections 3.7 (Centres and Corridors) or 4.6 (Residential Areas.) For ease of reference the specific land uses/developments dealt with in Part 5 are repeated in the following table with a link back to more detailed information in other Tables.

In addition, the transport and parking requirements for the five land uses/developments permitted only in the IN2 Light Industrial, RE1 Public Recreation and RE2 Private Recreation zones (that are likely to generate travel and parking demand if implemented) are also outlined in this section. These are:

- Boat building and repair facilities
- Depots
- Research stations
- Environmental facilities
- Recreation facilities (outdoor)

### Objectives

- 01** Ensure the appropriate provision of secure and accessible parking supply to meet the needs of users in the residential zones.
- 02** Encourage increased use of public transport, walking and cycling for trips generated by new development.
- 03** Support Council's on-street parking strategy in the Burwood Public Parking Strategy 2010 and its successors.
- 04** Require a broader assessment of transport, traffic and parking factors in the Development Application process.
- 05** Ensure the design of parking areas of developments meets appropriate criteria for vehicular and pedestrian safety and personal security, and the needs of people with disabilities, and provides appropriate facilities for cyclists and pedestrians.
- 06** Encourage the provision of parking supply that contributes to the enhancement of development on sites and the quality of the streetscape.
- 07** Manage the impacts of impervious surfaces and the excavation of basements to avoid site instability and the interruption to water/ground water flows, and provide greater opportunity for deep soil planting.

### Provisions

- P1** **Basic parking requirement:** Development must provide parking spaces on site for each proposed land use in accordance with the Table 5. All parking generated by the development is to be provided on site, including any visitors parking. Contributions in lieu of on site provision of parking will not be accepted.

**P2 Compliance with Australian Standards:** The design and construction of on-site:

- Parking areas and parking spaces
- Service and loading/unloading areas
- Access to, from and within these facilities

are to comply with the applicable Australian Standards. These Standards cover a range of technical requirements including design elements, dimensions, gradients, headroom, curves, delivery and service areas, and special requirements for people with disabilities.

The applicable standards are the most recent versions (at the time of the application) of:

- AS 2890.1 Part 1: Off-street car parking.
- AS 2890.2 Part 2: Off-street commercial vehicle facilities.
- AS 2890.3 Part 3: Bicycle parking facilities.
- AS 2890.5 Part 5: On-street parking.
- AS 2890.6 Part 6: Off-street parking for people with disabilities.
- AS 1428.1: Design for access and mobility.
- AS 1735.12: Lifts, escalators and moving walks - Facilities for persons with disabilities.

**P3 Vehicular Access and Footpath Crossings**

- Vehicular access for development must be provided from lanes and minor or secondary streets where available, rather than major streets or Classified Roads.
- Vehicular access and footpath crossings must be minimised where provided the safety of pedestrians and cyclists must be maintained and there should be no more impacts on bus operations.
- Vehicular access must have a nominal width of 2.7 metres over the footpath, and be perpendicular to the kerb alignment.

**P4 Automated or Mechanical Car Stacking**

Installation of automated or mechanical car parking systems to meet car parking requirements for developments is not supported. Experience with and observation of these systems indicates significant potential for adverse impacts arising from slow operation causing vehicle queuing, vehicle size constraints that are not appropriate in Australia, and unreliability in cases of mechanical, hydraulic or electrical failure. Provision of free-standing spaces accessed by ramps is preferred. If restricted site size limits provision of traditional on-site parking, consideration should be given to consolidation of lots to create a larger development site.

**P5 Plans and reports on transport, traffic and parking to support Development Applications:** To provide adequate information for the assessment of proposals, Development Applications are to be supported by one of the following reports, depending on the scale and impact of the proposal.

*1. Transport, Traffic and Parking Impact Report and Management Plans*

Depending on the type and scale of development, Council at its discretion may require a Development Application to be accompanied by a Transport, Traffic and Parking Impact



<p>Report and Management Plan prepared by a suitably qualified and experienced professional in traffic and transport, addressing the following matters:</p> <ul style="list-style-type: none"> <li>▪ The proposed development and its suitability in terms of transport, traffic and parking impact</li> <li>▪ The existing parking and traffic conditions</li> <li>▪ The proposed traffic, parking and vehicle access arrangements</li> <li>▪ The accessibility of public transport services, and walking and cycling facilities</li> <li>▪ The impact of the development on the surrounding street network and intended measures to ameliorate or manage that impact</li> <li>▪ The impact of the proposed development on the efficient and safe operation of bus services and passenger access</li> <li>▪ The design and compliance with the applicable Australian Standards in P2 above</li> <li>▪ Pedestrian and cyclist safety, personal security and safe access from parking areas to activities on the site</li> <li>▪ Signage and visual accessibility during day and night periods</li> <li>▪ Provision for loading, unloading and service vehicles</li> <li>▪ Provision for parking of bicycles and facilities for use of cyclists</li> <li>▪ A management plan covering management of traffic impacts and intended measures to encourage public transport use, walking and cycling, and to manage travel demand</li> <li>▪ Consistency with general aims and zone objectives of the BLEP 2012</li> <li>▪ Consistency with the aims and objectives of this BDCP set out in Section 2</li> <li>▪ Compliance with the applicable requirements of this BDCP Part.</li> </ul>
<p>2. <i>Transport, Traffic and Parking Impact Report</i></p> <p>Alternatively, depending on the type and scale of development, Council at its discretion may require a Development Application to be accompanied by a Transport, Traffic and</p> <p>Parking Impact Report prepared by a suitably qualified and experienced professional in traffic and transport, addressing the following matters:</p> <ul style="list-style-type: none"> <li>▪ The proposed development</li> <li>▪ The existing parking and traffic conditions and public transport conditions</li> <li>▪ The proposed traffic, parking and access arrangements</li> <li>▪ The impact of the development on traffic conditions in the surrounding street network and intended measures to ameliorate or manage that impact</li> <li>▪ The intended measures to encourage public transport use, walking and cycling, and reduce the use of private motor cars</li> <li>▪ Compliance with the applicable requirements of this BDCP</li> <li>▪ Consistency with the aims and objectives of this BDCP set out in Section 2.</li> </ul>

## P6 Cycling

Increased use of cycle travel to and from developments can help reduce reliance on private cars and improve public health. Burwood Council and the Inner West Sub-region have suitable terrain and the network of local and regional cycle paths is under continuous improvement. The following requirements apply:

- Standards for the number of bicycle parking facilities are provided in Cycling Aspects of Austroads Guides (Austroads and Standards Australia 1999) and Planning Guidelines for Walking and Cycling (Department of Planning and the Roads and Traffic Authority 2004), developments must demonstrate compliance with the requirements of either of these publications.
- Design of bicycle parking facilities (racks and lockers) must be in accordance with the provisions of Australian Standard 2890.3 – Parking Facilities or Cycling Aspects of Austroads Guides.
- Bicycle parking devices must meet the following general requirements:

- Enable wheels and frame to be locked to the device without damaging the vehicle.
- Be well located and lit for security purposes.
- Be in a convenient and accessible location outside pedestrian and vehicle movement paths.
- Be protected from motor vehicle movements and useable without damaging other bicycles.
- Be protected from the weather.
- Designed to fit in with the development.

**Table 5. Car Parking Rates for Other Development****Applies to zones:**

IN2 Light Industrial

RE1 Public Recreation

RE2 Private Recreation

Land Use	Car Parking Rates Applying Where The Land Use Is Permitted In The Zones	
	General	Notes and other requirements
	<ul style="list-style-type: none"> <li>▪ The stated parking provision rates are the minimum requirement, except where indicated otherwise for a specific land use.</li> <li>▪ Calculation of the number of parking spaces required for a development is to be determined by rounding up to the nearest whole number where the decimal point is 0.5 and above, or rounded down to the nearest whole number where the decimal point is below 0.5.</li> <li>▪ All parking is to be provided on the site of the development except where indicated otherwise for a specific land use.</li> <li>▪ In all cases the square metre areas in the Table refer to gross floor area as defined in the BLEP 2012.</li> </ul>	<b>NB:</b> All parking for all developments must be provided on site.
<b>Commercial Premises Category and Related</b>		
<b>Retail Premises Subgroup and Related</b>		
Neighbourhood shops	In the IN2 Light Industrial zone, one space per 50 square metres.	
<b>Community Category and Related</b>		
Child care centres	▪ See Table 2.	
Recreation facilities (outdoor)	▪ As determined case-by-case on the basis of a Transport, Traffic and Parking Impact Report and Management Plan prepared by the applicant.	
Environmental facilities	▪ As determined by Council having regard to a Transport, Traffic and Parking Impact Report and Management Plan, or a Transport, Traffic and Parking Impact Report, prepared by the applicant at Council's direction.	

<b>Tourist and Visitor Accommodation Category</b>		
Backpackers' accommodation, Bed and breakfast accommodation, Boarding houses	<ul style="list-style-type: none"> <li>See Table 2.</li> </ul>	
<b>Miscellaneous</b>		
Sex services premises	See Table 2.	
Boat building and repair facilities	As for light industries in Table 2.	
Depots	As for light industries in Table 2.	
Research stations	<ul style="list-style-type: none"> <li>As determined by Council having regard to a Transport, Traffic and Parking Impact Report and Management Plan, or a Transport, Traffic and Parking Impact Report, prepared by the applicant at Council's direction.</li> </ul>	

## **5.9 Exempt and Complying Development**

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) specifies exempt development that has State-wide application under that Policy. Exempt development may be carried out without the need for development consent under the EP&A Act.

The Codes SEPP also specifies complying development that has State-wide application, as well as conditions that are applicable to complying development under the SEPP. Complying development is development, or a class of development, that can be certified as approved if it complies with specified predetermined development standards.

The Standard Instrument LEP allows Schedules 2 and 3 to contain additional exempt development and complying development respectively that are not specified in the Codes SEPP. It also allows for other conditions to be specified to apply to complying development certificates.

The BLEP 2012 includes in Schedule 2 certain advertising and advertising structures as additional exempt development. There is no additional complying development specified in Schedule 3 of the BLEP 2012, nor are any additional conditions included in Schedule 3 to be attached to complying development certificates.

The BDCP does not impact on Exempt and complying development

Should a type of development not be listed as either Exempt or Complying Development in the Codes SEPP or in Schedule 2 to the BLEP 2012, or if the proposed development does not meet the relevant standards or criteria the development requires a Development Application to be lodged with Council. The Development Application may be determined by Council with the granting of consent or consent may be refused.

## 5.10 Street Addressing and Numbering

### Introduction

Council is responsible under NSW law to regulate the allocation of street address numbers pursuant to Section 124 (Order No.8) of the *Local Government Act 1993*.

Council allocates street address numbers to new lots created by way of subdivision under Torrens Title, Company Title, Strata Title or Community Title. Council also considers requests for change to existing street number allocations.

Street addressing and numbering is essential to the community for delivery of services and public safety, particularly when it comes to emergency response times. Governments rely on it for infrastructure delivery that serves the economy and improves people's lives.

The following public interest objectives provide the main guidance in Council's street addressing and numbering practices:

- clarity of numbering for emergency services, postage, public safety and utility authorities to locate and identify premises
- the consistency of the numbering system
- clarity of numbering for the public to locate and identify premises.

### Provisions

- P1** Council's street numbering allocation process will be consistent with the NSW Addressing User Manual and the Australian Standard - AS/NZS 4819:2003 - on urban and rural addressing.
- P2** All properties in a street will be allocated a unique street number.
- P3** Street numbering will be sequential within a street.
- P4** In a Strata Title subdivision, unit numbers should, for clarity, match the new lot number in the relevant strata plan.
- P5** Council will consider a request to alter an address/street number of a property if there are clear difficulties associated with its identification (i.e. if the access to the front door of a house on a corner lot faces the other street or if a property has multiple street frontages).
- P6** Requests to alter an address/street number of a property that is made solely for cultural or religious reasons are not supported. Council will only agree to non-standard numbering where it can be demonstrated that the above-mentioned public interest objectives and the system in the NSW Addressing User Manual are not compromised.
- P7** Buyers of property should be aware that, when purchasing property Council will not place any weight cultural or religious considerations in determining any request to alter street numbering.

## 5.11 Public Art in Private Developments

Public art when integrated into development can enhance a sense of place and activate public spaces. The provision of well-considered and designed public art in new developments is an opportunity to celebrate the cultural identity and diversity of Burwood, as well as recognise and promote the indigenous identity of the place.

### Objectives

- Enhance the sense of place through the provision of public art.
- Ensure that public art is an integrated and cohesive part of new development and provides opportunities for creativity in built form outcomes
- Recognise and promote cultural diversity through creative and innovative and interpretative art projects
- Celebrate the culture of the Wangal People of the Eora Nation, the Traditional Custodians of the Land

### Provisions

- P1** Public art is required to be provided for major developments in the following locations, where the proposed development has a Capital Investment Value (CIV) of \$10,000,000 or more:
- Burwood Town Centre (as identified by Burwood LEP 2012)
  - Development fronting Parramatta Road
  - Strathfield Town Centre (zoned B4)
  - Enfield Centre (zoned B2)
  - Croydon Centre (zoned B2)
  - Croydon Park Centre (zoned B1)
- P2** Public art is required to be provided for major developments outside those areas listed in P1 above, where the proposed development has a Capital Improvement Value (CIV) of \$20,000,000 or more.
- P3** A minimum of 1% of the total cost of the development is to be allocated to the public art budget.
- P4** The development application must be accompanied by a Public Art Plan, which is prepared in accordance with the Burwood Public Art Guidelines for Developers.
- P5** The public art is prepared and undertaken in accordance with the Burwood Public Art Guidelines for Developers.
- P6** The public art is installed on the development site or in the immediate vicinity of the site.
- P7** The public art is located so that it is not unreasonably inaccessible or obscured by a building element which makes it impossible to see in full by the building occupants and the general public.

## **6 Environmental Management**

### **6.1 Preservation of Trees and Vegetation**

#### **Introduction**

Council's tree management and landscaping provisions aim to protect the ecological and landscape values of trees and vegetation on private land within the Burwood Local Government Area.

Most species of trees and vegetation on private property are protected and an application for the pruning or removal of private trees may be made to Council in the form of a permit granted by Council or development consent.

Part 2.3 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and Part 4 of the *Environmental Planning and Assessment Act 1979* applies to the protection of trees across the Burwood Local Government Area.

This section also:

- Explains and facilitates the procedures for applying to a permit,
- Indicates the information that must accompany an application for a permit, or an application for a Development Application relating to a tree or vegetation, and
- Informs people of the consequences of breaching the tree preservation provisions of this DCP.

Note: Trees and vegetation not exempt by this section are declared to be vegetation to which Part 2.3 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* applies. This includes trees and vegetation identified as a heritage item or within the curtilage of a heritage item, as identified under Schedule 5 Environmental Heritage of *Burwood Local Environmental Plan 2012*.

#### **Objectives**

The objectives of this section of the DCP for tree and vegetation preservation in Burwood LGA are to:

- Secure and maintain the amenity of the urban forest.
- Preserve and protect existing trees from injury or destruction.
- Promote trees for 'carbon sequestration', solar access and shade.
- Provide no net loss, over time, of tree cover in the Burwood LGA.
- Promote and encourage the planting of replacement trees that are appropriate for the available site conditions.
- Require landscaping and new tree planting (where appropriate) as part of new developments and garden renovations.

#### **Scope**

This DCP section applies to all species and kinds of trees in the Burwood LGA on privately owned land, publicly owned land or within any road reserve.

In addition, this section provides that:

- A person must not wilfully or deliberately fail to plant, protect or care for a tree, which is required to be planted, protected or cared for as a condition of a permit or development consent, or fail to carry out any other activities required as a condition of a permit or a consent.
- Despite any other clause in this DCP section, no tree in a park, reserve or street regardless of its species or size, may be pruned, removed or damaged in any way without Council's written consent.

### 6.1.1 Exemptions

#### Exempt Species of Trees

The following species of trees located on private property are exempt species prescribed in this DCP:

- Bamboo (all species).
- Privet (*Ligustrum* species).
- Rubber (*Ficus elastica*).
- Loquat (*Eriobotrya japonica*).
- Rhus (*Toxicodendron succedaneum*).
- Umbrella (*Schefflera* species).
- Willow (*Salix* species).
- Populus (all species).
- Robinia (all species).
- Cocos Palm (*Syagrus romanzoffianum*).
- Mulberry (*Morus* species).
- Banana (*Musa* species).
- Citrus (all species).
- Fruit trees or a tree that is grown for the purposes of fruit, or is harbouring fruit fly, except Australian native trees i.e. *Syzygium* species, *Elaeocarpus* species, etc.
- Any tree that has been declared a priority weed under the Biosecurity Act 2015.

These species of trees may be pruned or removed without the need for a permit or development consent from Council, except where the site is identified as containing a heritage item or the site is within a Heritage Conservation Area. For such sites please refer to Section 6.1.4 below.

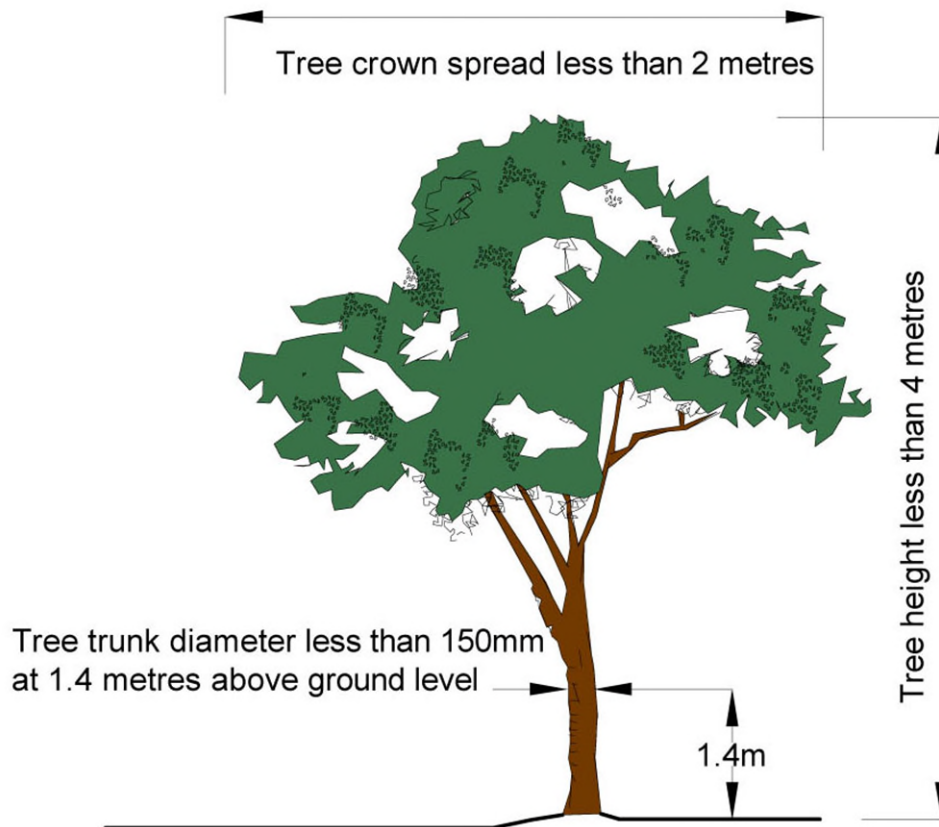
All other species of trees in the Burwood LGA on privately owned land, publicly owned land or within any road reserve are subject to Part 2 and 3 of the SEPP.

#### Allowable Tree Activities (no application required)

Where a tree of any species does not exceed the following dimensions (as illustrated in **Figure 81**), the tree may be pruned or removed without the need for a permit or development consent from Council. The dimensions are:

- A height less than four metres and
- A crown spread less than two metres and
- A trunk diameter less than 150mm, measured at a distance of 1.4 metres above ground
- In the case of multi-trunked trees, the diameters of each trunk, measured at a distance of 1.4 metres above ground, are added together to be less than 150mm in total.





**Figure 81. Tree Dimensions for Allowable Tree Activities**

In addition, Council does not require an application nor is any written permit or consent required to be issued by Council for the following works or activities in relation to trees or other vegetation, on the condition that pruning is carried out by an arborist with a minimum Australian Qualifications Framework (AQF) Level 3 in Arboriculture:

- Pruning of dead branches and/or torn storm-damaged branches
- Routine pruning of shrubs and trees to a predetermined height, width or shape, that are of the same age, height and species, and grown as a hedge
- Removal of any species of mistletoe or parasitic plant from a tree
- Minor pruning of crowns (i.e. by not more than 10% of the crown or branches with a diameter of not more than 100mm) to reduce interference with roofs, gutters and walls of buildings only
- Up to 5% pruning of root systems to reduce interference with footings of buildings.

### **Tree Activities by Public Authorities**

An application or a written permit or consent is not required to be issued by Council for tree works or activities by Council, the NSW State Emergency Service or other public authority in response to an emergency. Legislation also provides certain exemptions for public authorities under the Biodiversity Conservation Act 2016, the Forestry Act 1916, the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002, and the Biosecurity Act 2015.

The permissibility of tree works or activities may be a matter that is determined by or under any of these Acts.

### **6.1.2 Tree Permit Application Required**

An application is required where proposed tree activities involve trees that are not exempt species listed in 6.1.1 or are not allowable pursuant to the tree dimensions described in 6.1.1.2 and in **Figure 81** above.

Council will consider the tree activity application in one of two ways:

- Activities requiring Council's approval – Tree Permit application required.
- Activities requiring Council's approval – Development Application required (see Section 6.1.3 and Section 6.1.4).

An application for a Tree Permit must be made where the tree works or tree activities are not ancillary to or associated with any new construction or development on the land. In these cases the tree works or activities are a “stand alone” matter and do not involve any other development activity on the site.

#### **Making a Tree Permit Application – Property Owner**

Applications must be made by the owner or owners of the property where the tree stands, or alternatively bear the owner's consent on the application.

Applications must be submitted to Council using the Tree Permit application form which is available from Council's Customer Service Counter or is available on Council's website.

The application is to be accompanied by the nominated fee as determined by Council and set out in the Schedule of Fees and Charges and included in the Tree Permit application form.

The application is to describe in sufficient detail the following information:

- The name/s and contact details of the tree owner or applicant, to permit access to the trees for inspection purposes
- The location of the tree
- The species (if known)
- The condition of the tree
- The size of the tree
- The reason for the proposed works to be carried out to the tree.

Council may require the applicant to obtain a report from a qualified Consulting Arborist, Practising Structural Engineer, Licensed Plumber or other consultant or expert to assist Council in assessing and determining the permit application.

Applications may be brought to the Burwood Council Customer Service Centre, or sent via post (including a cheque or money order for the required fee).

#### **Permit Application – Neighbouring Property**

The owner of a property affected by overhang from a tree or trees on an adjoining property may apply for a permit to prune that part of the tree or trees overhanging the boundary of his or her property.

#### **Advisory Note:**

For the purpose of this section, the owner of a property where the tree stands is referred to as the “Tree Owner”.

An application for the removal or pruning of branches from a tree on an adjoining property must include written evidence, including the Tree Owner's signature, of the Tree Owner's consent to the proposed pruning or removal of branches as part of the application.

If it is not possible to provide the Tree Owner's consent, Council will consider an application for pruning (only) where it is satisfied that the applicant has written to the Tree Owner requesting the Tree Owner's written consent to the application (Notification) and the following conditions have been met:

- The applicant has not received a reply from the Tree Owner to the Notification within a reasonable time of providing the Notification to the Tree Owner or
- The applicant satisfies Council that the Tree Owner has refused to provide his or her written consent to the proposed pruning of branches.

In the majority of circumstances a reasonable time will be not less than 28 days, however Council also retains discretion to consider what is a "reasonable time" on a case by case basis.

Any consent granted by Council under this section does not authorise the applicant (or someone engaged by the applicant) to enter any neighbouring property in order to carry out the approved works.

Council cannot order a neighbouring resident to remove a tree located on their property. Provisions for seeking a court order for a neighbour's tree to be removed are set out below. However, in certain circumstances Council may consider applications made by a neighbour on an adjoining property, to where the tree stands, for the pruning of branches back to the boundary.

For such applications to be considered, Council requires that the applicant obtain the written consent of the owner of the property where the tree stands (Tree Owner) to the pruning of the tree (a space for the Tree Owner's signature has been provided on the Tree Permit Application Form).

Alternatively, pursuant to section 7 of *Trees (Disputes Between Neighbours) Act 2006* (the Trees Act) a person may apply to have their matter heard by the Land and Environment Court where they seek to remove or prune a neighbour's tree and cannot resolve the issue.

The Trees Act does not apply to trees on land owned or managed by a Council.

The purpose of the Trees Act is to enable the Court to make orders to remedy, restrain or prevent damage to property or to prevent injury to any person when a tree that is situated on adjoining land might cause that damage or injury. The Trees Act also permits the Court to order compensation for or rectification of damage caused by a tree.

An application must be made to the Land & Environment Court in writing and the required application fees paid. An application form must be completed as well as one or more of the Tree Dispute Claim Details forms.

The relevant forms can be downloaded from [www.lawlink.nsw.gov.au/lec](http://www.lawlink.nsw.gov.au/lec)

- Application Form – Tree Dispute Application Form
- Tree Dispute Claim Details – Damage to Property or Injury to Person
- Tree Dispute Claim Details – High Hedges

Application forms can be lodged at Burwood Local Court or the Land and Environment Court at Level 4, 225 Macquarie Street (Windeyer Chambers), Sydney.

There are a number of matters the Court will consider under Section 12 of The Tree Act, before making a decision on an application. Please refer to Section 12 of the Tree Act for further details of such matters.

The Land and Environment Court has published Dispute Principles, Interpretation Guidance and Jurisdictional Findings made under the Trees Act. These include:

- **The tree was there first** – (Dispute Principle)
- **Urban trees and ordinary maintenance issues** - The dropping of leaves, flowers, fruit, seeds or small elements of deadwood by urban trees ordinarily will not provide the basis for ordering removal of or intervention with a tree – (Dispute Principle)
- **“in the near future”** – constitutes within 12 months [s10(2)(a) – Interpretation Guidance]
- **Damage caused by animals, birds or insects** is not caused by the tree which attracts them or provides habitat for them – [s 10(2) – Jurisdictional finding]

### 6.1.3 Development Application Required

Any proposed tree works which are ancillary to or associated with any new construction or development on the land will be considered through the Development Application process under Part 4 of the Environmental Planning and Assessment Act 1979.

In these cases, the proposed tree works must be specified in a landscape plan and submitted to Council with the Development Application for the construction/development works on the site. The landscape plan must be prepared in accordance with Council's Landscaping Code and must include the details specified in section 6.5 of the Code. The Landscaping Code is available on Council's website at the following location:

[http://www.burwood.nsw.gov.au/verve/resources/Landscaping\\_Code.pdf](http://www.burwood.nsw.gov.au/verve/resources/Landscaping_Code.pdf)

Council will assess the proposed tree works as part of the Development Application process and where so determined, issue consent including any conditions, as part of the development consent. Where justified by the circumstances, Council may decline consent for the proposed tree works.

Tree works or activities in accordance with a valid and current development consent issued by Council where the tree works are ancillary to proposed building works or other development do not require any other kind of approval or permit from Council.

### 6.1.4 Trees and Heritage

Clause 10(3) of the SEPP (Vegetation in Non-Rural Areas), prevents Council from issuing a permit that allows any pruning or removal of any tree or other vegetation that:

- a) Is or forms part of a heritage item or that is within a heritage conservation area (see Schedule 5 of the BLEP 2012), or
- b) Is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance.

Clause 10(3) provides exceptions that allow Council to issue a permit where it is satisfied that the proposed activity:

- c) Is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and

- d) Would not affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

The BLEP 2012 Schedule 5 does not include any heritage items or heritage conservation areas that comprise a tree or other vegetation alone, or any matters of Aboriginal heritage.

Most tree works or activities involving a Schedule 5 heritage item or within a heritage conservation area are expected to form part of a Development Application for other development or construction activities. In these cases the tree works will be dealt with as part of the broader Development Application. The provisions of Clause 5.10 Heritage Conservation of the BLEP 2012 may be applicable in the determination of the Development Application.

In cases where a proposed tree removal is located on a property identified as containing a Schedule 5 heritage item or is within a Heritage Conservation Area and not associated with any other development or construction activity, a Development Application is required. Where the proposed tree works or activities are minor, Council will determine the application for a Tree Permit in accordance with Section 6.1.2 and Section 6.1.5 of this DCP.

If after consideration of the Tree Permit application Council determines that the proposed tree works or activities are not minor etc, that is falling outside the terms of (c) and (d) above, Council will advise the applicant that a Development Application must be lodged in place of the Tree Permit application.

In these cases the normal Development Application processes will apply. As well as meeting the information requirements for Development Applications, a landscape plan must be prepared and submitted in accordance with Council's Landscaping Code and must include the details specified in section 6.5 of the Code.

#### **6.1.5 Assessment Process for a Tree Permit Application**

##### **Criteria for a Tree Permit Application**

Applications for a Tree Permit will be considered by Council in accordance with the following criteria:

- Whether the tree is causing or is likely to cause structural damage to a building in the near future or damage to Council infrastructure. Council may require that such an application be accompanied by a report from a practicing structural engineer.
- A Doctor's certificate (from a registered medical specialist practitioner) is produced to the effect that the tree in question is injurious to the health of the resident or residents.
- The trunk of the tree is located within three metres of a building or five metres in the case of the following species:
  - i) Camphor Laurel (*Cinnamomum camphora*).
  - ii) Liquidambar (*Liquidambar styraciflua*).
  - iii) Broad-leaf Paper Bark (*Melaleuca quinquenervia*).
  - iv) River She-Oak (*Casuarina cunninghamiana*).
  - v) Chinese Tallow Tree (*Triadica sebifera* syn. *Sapium sebiferum*).
- Whether the tree is a Camphor Laurel (*Cinnamomum camphora*) under 15m in height.
- The tree has caused extensive damage to fences, kerb and guttering, sewer or stormwater drains, where there are no permanent repair alternatives. Council may require that applications relating to sewer or stormwater pipe damage be accompanied by a licensed plumber's report.
- Pruning is necessary as the tree crown:

- i) overhangs and is likely to damage a roof of a building or a swimming pool.
- ii) interferes with overhead electricity service wires.
- iii) impedes safe access for pedestrians.

It should be noted that applications based on loss of view or loss of sunlight will not generally form a basis for Council to issue a permit for the pruning or removal of a tree. Additionally, the dropping of leaves, flowers, fruit, seeds or small elements of deadwood by urban trees ordinarily will not provide the basis for Council to issue a permit to prune or remove a tree.

Clause 8 of the SEPP allows consideration of whether:

- Trees are dying or dead and are not required as the habitat of native fauna, or
- Trees are a risk to human life or property.

**Advisory Note:**

Council must be satisfied that these circumstances apply. It will be necessary to make an application under Sections 8, 9 or 10 for this determination to be made by Council. These circumstances cannot be assumed and are not an excuse for taking action outside the application process.

### **Council Determination of Tree Permit Applications**

On receipt of the application for a Tree Permit, or as part of a Development Application, a Council Officer will inspect the tree to assess the application.

If the Council officer requires further information to assess the application, for example, in the form of a report from a consulting arborist (refer 6.1.9 for requirements of arborist reports), structural engineer, and/or licensed plumber, then the applicant will be advised and will be required to commission the required report or reports at the applicant's expense.

For Tree Permit applications that Council considers involve significant tree works or activities, or for any other application for which Council considers community consultation is appropriate, Council may conduct community consultation in accordance with Council's "Community Consultation Protocol". Development applications that involve tree works will be subject only to the notification requirements of Part 7.2 of this DCP.

All applications will be determined by either approving the application without conditions approving the application subject to conditions or refusing the application.

### **Conditions of Approval**

It is a condition of all approvals granted by Council for a Tree Permit or for tree works as part of development consent that all tree works are carried out in compliance with the Australian Standard – Pruning of Amenity Trees (AS4373–2007) and the WorkCover Code of Practice for the Amenity Tree Industry (1998).

A Tree Permit or development consent granted by Council must be made available for inspection on request by any Council staff member during the carrying out of any work permitted under such permit or consent.

A Tree Permit granted by Council remains valid for one year from the date of issue. Where replanting is a condition of consent, replacement plants are to be protected and cared for until maturity so they remain in good condition and attain their natural size and form.

A development consent that includes an approval for tree works is valid for up to five years.

Where a Tree Permit is granted, Council will impose conditions, including that the work is carried out by an arborist with a minimum Australian Qualifications Framework (AQF) Level 3 in Arboriculture.

#### **6.1.6 Right of Appeal**

##### **Internal Appeal Process**

If an application for a Tree Permit is refused, the applicant may seek a review by an internal panel. The panel will consist of two members of the Burwood Council Executive and an independent expert. The internal panel will only consider applications where the refusal has been based on the assessment of subjective criteria or there has been a request to consider extenuating factors that are not accommodated within the set criteria.

##### **External Appeal Process**

Clause 12 of the SEPP provides that an applicant may appeal to the Land and Environment Court against the refusal by Council to grant a Tree Permit. An appeal is to be made within 3 months of the refusal.

Where tree works are determined by way of a Development Application, the same legal right of appeal applies, as applies for Development Applications.

#### **6.1.7 Reported Breaches**

On receiving a report of a breach of the SEPP and of this Part of the DCP, a Council officer may attend the site and order that any contravening works cease immediately. The Council Officer may gather any necessary information including:

- The name, address and contact details of the person or organisation carrying out the work.
- The name, address and contact details of the person or organisation that authorised the work.
- Descriptions, diagrams and photographs of the illegal works, plant, equipment, machinery and persons.
- The person carrying out the contravening work and/or the Tree Owner (or the person who authorised the work) may be asked to show cause in writing as to why they should not be prosecuted in relation to the breach.
- The Deputy General Manager - Land, Infrastructure and Environment will determine whether the matter will proceed to prosecution.

#### **6.1.8 Penalties for Breaches**

Breaches of the provisions of the SEPP are subject to penalties in Section 9.56 of the Environmental Planning and Assessment Act 1979.

This Section also provides that where a person is guilty of an offence involving the destruction of or damage to a tree or vegetation, the court dealing with the offence may, in addition to or in substitution for any pecuniary penalty imposed or liable to be imposed, direct that person:

- (a) To plant new trees and vegetation and maintain those trees and vegetation to a mature growth, and
- (b) To provide security for the performance of any obligation imposed under paragraph (a).

### 6.1.9 Arborists' Reports that are Submitted to Council

To assist assessment and determination of applications, Council requires that an Arborist's report in relation to an application is to be prepared by a consulting Arborist who holds a minimum qualification of a Diploma (AQF Level 5) in Arboriculture.

Arborist's reports submitted to Council in relation to an application must contain the following information:

- the name, address and telephone number of the qualified consulting arborist who prepared the report (and the company, where applicable)
- the qualifications of the Arborist
- who commissioned the report and why the report was commissioned
- what the report examines
- the address of the site containing the tree or trees
- the date the Arborist conducted the inspection
- the methods or techniques used by the Arborist to inspect the tree or trees
- an abstract or synopsis of the findings from the Arborist's inspection
- a map or diagram of the site showing the location of the tree or trees, with the tree or trees numbered to correspond with the text in the Arborist's report
- the botanical and common name, height, crown spread, trunk diameter at 1.4m above ground level, and form of each tree inspected
- a discussion of the data collected – this may include, for example, detailed information regarding wounds, cavities, cracks, splits, forking, root-zone, pests and diseases
- supporting evidence where appropriate, such as photographs
- testing results should be submitted with clear and legible copies
- references used must be those referred to in the report
- data included in the report should be relevant to the application
- a discussion of all the options available – why they are recommended or why they are not recommended, e.g., can the built structure be relocated or repaired and the tree retained
- a recommendation as to the preferred option and the reasons for this recommendation
- the information in the report should be presented as objectively as possible without attempting to support specific outcomes.

The above list is not exhaustive. The Arborist may choose to include further information or Council may require further information to properly assess and determine the application.

**Advisory Note:**

A list of qualified Arborists can be obtained from the Institute of Australian Consulting Arboriculturalists (IACA) website at [www.iaca.org.au](http://www.iaca.org.au). Arboriculture Australia is also able to supply the details of a suitably qualified Arborist. For more information call 1300 664 374 or visit [www.arboriculture.org.au](http://www.arboriculture.org.au).

### 6.1.10 Definitions

*Arborist* - A person with minimum training to AQF Level 3 in Arboriculture that enables the person to competently perform tree work.

*Australian Qualifications Framework (AQF)* - The national framework for all educational and training purposes in Australia.

*Building* - For the purpose of section 6.1.5 a building is a permanent Council approved, or principal certifying authority approved, single storey roofed and enclosed structure with a floor space greater than thirty (30) square metres, constructed at natural ground level.



*Carbon sequestration* - The process of trees removing carbon from the atmosphere and storing it in their wood as they grow.

*Clear vegetation*, includes:

- (a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
- (b) lop or otherwise remove a substantial part of the vegetation.

*Dead tree* - A tree with no living vascular tissue.

*Destroy* - Any immediate or ongoing process or activity leading to the death of a tree.

*Height* - The distance measured vertically between the horizontal plane at the lowest point at the base of a tree which is immediately above ground and the horizontal plane immediately above the uppermost point of a tree.

*Injure* - To inflict damage to a tree by an immediate or ongoing process or activity and includes:

- Lopping and topping.
- Poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone cutting, tearing, snapping and breaking off branches and roots that is not carried out in accordance with accepted arboricultural practices, does not qualify as "pruning" or is done for invalid reasons such as vandalism.
- Ringbarking, scarring the bark when operating machinery, fixing objects (e.g. signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches or inflicting a blaze on a tree as a marker point.
- Damaging a tree's root zone by compaction or excavation, stripping of topsoils, asphyxiation by burial (including unauthorised filling or stockpiling of materials) or the alteration of ground level or water table which causes damage to the tree or any part of the tree.
- "Underscrubbing", unless carried out by hand tools, such as brushcutters and the like.

*Lopping* - Indiscriminate cutting of branches or stems between branch unions, with the final cut leaving a stub.

*Pruning* - The cutting of any stem dead or alive, back to the intersection of another live stem to a swollen area at the intersection called a branch collar, with a final cut at the outer edge of the collar leaving no stub. This also means any act or acts severing any part of a tree so as to cause a reduction of the air space occupied by the branches and foliage of a tree.

*Remove* - To dismantle a tree or to separate the tree from the ground where it is growing or dislodging it with earth moving equipment in order to kill the tree so that the tree, including its branches, foliage, trunk, stump and root system will not regrow. This includes the poisoning of the stump and/or roots and/or taking away, or grinding or burning out its remains to prevent regrowth.

*Top* - Cutting away part, or all, of a tree's crown leaving a trunk and stubbed main branches to reduce its height and spread. This is an antiquated practice which damages a tree, reducing strength and vigour and predisposing it to premature decline.

*Tree* - A woody perennial plant equal to or exceeding four (4) metres in height with a trunk diameter equal to or exceeding 150mm measured at a distance of 1.4m above ground.

*Tree Owner* - The owner of a property where the majority of a tree's trunk meets the ground.

*Vegetation* – means a tree or other vegetation whether or not it is native vegetation.

#### **6.1.11 Related Information**

- Street Tree Management Strategy
- Compliance and Enforcement Corporate Practice
- Trees (Disputes Between Neighbours) Act 2006

## 6.2 Waste Management

### 6.2.1 Aims and Objectives

This aim of this BDCP section is to achieve effective waste management and minimisation in the Burwood local government area. It applies to all areas of Burwood local government area.

The objectives of this BDCP section are:

- To reduce the demand for waste disposal through waste separation and resource recovery in demolition, design, construction and operation of buildings and land use activities.
- To achieve the design of waste and recycling storage systems in buildings and land use activities which are hygienic, accessible, quiet to operate, adequate size and visually compatible with their surroundings.

Applicants must familiarise themselves with the requirements of Council's adopted Local Approvals Policy for Managing Waste in Public Places (Waste Policy). The Policy is available on Council's website.

### What is a Waste Management Plan?

This BDCP section specifies Council's requirements for waste management plans to be prepared and submitted in one or both of the following circumstances:

**Type 1** – For the waste management practices associated with the **ongoing use of the premises**. It must be lodged with Development Applications for:

- Change of use of existing premises.
- Alterations/additions to existing premises which would affect waste management facilities or waste management practices.
- New development.

**Type 2** – for the type, volume, and disposal methods of materials to be generated during **demolition and construction**. It must be lodged prior to the commencement of any works. It applies to any Development Applications for:

- Demolition.
- Alterations/additions which exceed 20 sqm of existing premises.
- New development.

### Type 1 Applications - Ongoing Use of the Premises

Waste Management Plan submission requirements for Development Applications (DA):

Development type	Waste Management Plan submission requirements	Additional Requirements	Controls to comply with
Dwelling house or Dual Occupancy	Part 1 not applicable	Refer to 6.2.2	Refer to 6.2.2
	Part 2 lodged prior to commencement of any works		
Multi dwelling housing or Residential flat building	Part 1 lodged with DA	Refer to Part 6.2.2	
	Part 2 lodged prior to commencement of any works		
Commercial development or Public building or Industrial development	Part 1 lodged with DA	Refer to 6.2.2	
	Part 2 lodged prior to commencement of any works		
Mixed use development	Part 1 lodged with DA	Refer to 6.2.2	
	Part 2 lodged prior to commencement of any works		

### Type 2 Applications - Demolition and Construction Waste

Part 2 applies to all Development Applications involving demolition and or construction. It also applies to Development Applications where alterations/additions which exceed 20 sqm of existing premises and new buildings and development.

#### *Submission Requirements*

A completed copy of Part 2 of the Waste Management Plan is to be lodged prior to the commencement of any works.

Plans must include the following details:

- Location of on-site areas to be used for the sorting of demolition and construction recyclables / waste.
- Location of on-site areas to be used for the storage of demolition recyclables / waste, including any containers / skip bins.
- Vehicular access to the site and on-site.

#### *Aims*

- To maximise the reuse and recycling of demolition and construction materials.
- To reduce the volume of materials going to landfill.
- Wherever possible, demolition and construction materials must be sorted and stored on-site. Council recognises that smaller residential sites may not have space for the storage

of skip bins, therefore refer to Council's Rubbish Skips Policy for the requirements regarding the placement of waste bins on public places.

#### *Performance Criteria*

- Documentation regarding the disposal methods and destination of materials must be retained by the applicant. Council may audit documentation so as to monitor compliance with the Waste Management Plan.
- All demolition and construction must occur in accordance with the conditions of consent applying to a Development Application.

#### *Information*

There are many opportunities to reduce the volume of materials generated during demolition and construction going to landfill.

Some examples of recyclable materials are provided in the following table:

<b>Materials on-site</b>	<b>Reuse/Recycling Potential</b>
Concrete	Filling, levelling materials, road base
Bricks	Cleaned and/or rendered over for reuse
Roof tiles	Crushed for reuse in landscaping and driveways
Hardwood beams	Floorboards, fencing, furniture
Other timber	Formwork, bridging, blocking and propping
Doors, windows, fittings	Second hand building materials
Glass	Aggregate for concrete production
Synthetic and recycled rubber (e.g. under carpets)	Used for safety barriers, speed humps
Significant trees	Relocated on-site
Green waste	Mulching, composting, reuse as landscaping/fertiliser
Soil	Reuse as fill

### **6.2.2 Waste Management**

#### **Design of Waste Management Facilities in Dwelling Houses and Dual Occupancies**

##### *Application*

This section applies to:

- Development applications for new dwelling houses or dual occupancies.
- Development applications (affecting waste management) for alterations/additions to existing dwelling houses or dual occupancies.

##### *Submission Requirements*

Plans must indicate:

- Location of indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling.
- Location of an on-site waste/recycling storage area for each dwelling for Council's waste, recycling and green bins.

- On-site location for a compost container.
- Location of kerb-side collection point for the collection and emptying of Council's waste, recycling and green bins.

#### *Performance Criteria*

- Each dwelling must be provided with an indoor waste/recycling cupboard (or other appropriate storage).
- The indoor waste/recycling cupboard (or other appropriate space) must be able to hold a single day's waste and hold separate containers for general waste, recyclables and compost material.
- Each dwelling must be provided with an on-site waste/recycling storage area for Council's waste, recycling and green bins. Council provides each dwelling with:
  - i. 120 litre general waste bin (red/grey lid), collected weekly
  - ii. 240 litre recycling bin (yellow lid), collected fortnightly
  - iii. 240 litre greenwaste bin (green lid) collected fortnightly

The measurements for the bins are shown in **Appendix 8.1**.

- The on-site waste/recycling storage area must be located or designed in a way in which it does not impact adversely on neighbouring properties and the appearance of the premises. Where possible, the waste/recycling storage area should be located in the rear yard. If the rear yard is not practical, the waste/recycling storage area can be located at the side of the dwelling or in front of the building (behind suitable screening).
- Between collection periods, all waste/recyclable materials generated must be kept in the bins so that the contents are not able to leak or overflow.
- Each dwelling must have a nominated kerbside collection point for the collection of the waste, recycling and greenwaste bins.
- It is the responsibility of each dwelling to present the bins at the nominated collection point the evening prior to collection day and then return the bins to their storage area no later than the evening of collection day. Bins are to be presented close to the kerb, clear of trees and other obstructions, with the handle adjacent to the road.
- Each dwelling must be provided with an on-site compost container storage area (although current residents may not want to operate a compost container, there is a space for future residents).

### **Design of Waste Management Facilities in Multi Dwelling Housing and Residential Flat Buildings**

#### *Application*

This section applies to:

- Development applications for new multi dwelling housings or residential flat buildings.
- Development applications (affecting waste management) for alterations/additions to existing multi dwelling dwellings or residential flat buildings.

#### *Submission Requirements*

Plans must indicate:

- Development application must include a completed copy of Part 1 of the Waste management plan.

- Location of each dwelling's indoor waste/recycling cupboard (or other appropriate space).
- Location of individual waste/recycling storage areas (e.g. for townhouses) or a communal waste/recycling storage room/s for Council's waste, recycling and greenwaste bins.
- Location of any waste chute/s.
- Location of any service rooms (for accessing a waste chute) on each floor of the building.
- Location of any compaction equipment.
- A nominated location for individual compost containers or communal compost containers.
- A nominated kerbside collection point for the collection of the waste, recycling and greenwaste bins.
- The access way for moving bins from the storage area to the collection point (if storage is away from collection point).
- The on-site path of travel for collection vehicles (if collection is occurring on-site).

*Performance Criteria*

- Each dwelling must be provided with an indoor waste/recycling cupboard (or other appropriate storage).
- The indoor waste/recycling cupboard (or other appropriate space) must be able to hold a single day's waste and hold separate containers for general waste, recyclables and compost material.
- Residential buildings containing more than three (3) storeys shall provide a system for transportation of waste from each floor level to the waste and recycling room(s) by way of a chute system.
- Multi dwelling housing and residential flat buildings must include communal waste/recycling storage room/s designed in accordance with **Appendix 8.1**.
- Townhouse/villa developments with individual waste/recycling storage areas must be located or designed in a way in which it does not impact adversely on neighbouring properties and the appearance of the premises.
- There must be an unobstructed and uninterrupted access way (as per Australian Standard 1428) from the waste/recycling room/s or storage areas to:
  - i. Entry to any adaptable housing (refer to Australian Standard 4299)
  - ii. Main entrance to each residential flat building
  - iii. Point at which the bins are collected

When a proposal does not comply with these requirements, Council will consider alternative proposals which seek to achieve a reasonable level of access to waste/recycling storage areas or rooms.

The waste/recycling storage area or room/s must be able to accommodate separate waste, recycling and greenwaste containers, as described in the next point. Council provides the following to multi dwelling dwellings and residential flat buildings:

- i. 240 litre general waste bin (red / grey lid) per two dwellings collected weekly or 660 litre
- ii. 240 litre recycling bin (yellow lid) collected fortnightly
- iii. 240 litre greenwaste bin (green lid) up to 3 bins per unit block collected fortnightly

Bin measurements are provided in **Appendix 8.1**.

- Each dwelling (townhouse or villa developments) must be provided with an on-site compost container storage area (although current residents may not want to operate a compost container, there is a space for future residents).
- Developments which include at least 10 dwellings will need a dedicated storage area of at least 15 square metres for the temporary storage of bulky items to be removed. Additional dwellings, that is every 10 dwellings, will require extra storage space again. The storage area must be easily accessible to all residents and located close to the main waste/recycling room/s.
- Between collection periods, all waste/recyclable materials generated must be kept in the bins so that the contents are not able to leak or overflow.
- Bins are able to be collected from a kerbside location, where number of bins and length of street frontage allow. However, in instances where kerbside collection is not possible bins are to be collected on-site. Bins to be collected on-site are to be collected either from their usual storage area or on-site in a temporary holding area located immediately inside the property boundary and close to a property entrance.
- Where bins cannot be collected from the kerbside, the development must allow and design for on-site access of collection vehicles to enter and exit the site in a forward direction and so the collection vehicles do not impede access to, within or from the site.
- If Council waste collectors and/or waste collection vehicles are required to enter a site to empty the bins, then arrangements must be in place, refer to **Appendix 8.1**.
- It is the responsibility of residents/owner's corporation to move the bins to the collection point no earlier than the evening prior to collection day and return the bins to the storage area by no later than the evening of collection day. Bins are to be presented close to the kerb, clear of trees and other obstructions, with the handle adjacent to the road.
- Residents/owner's corporation must take responsibility for the management of waste and recyclables generated at the site. Including the management, maintenance and cleaning of all waste/recycling management facilities.
- Any garbage chutes must be designed as outlined in **Appendix 8.1**.

### **Design of Waste Management Facilities in Commercial Development, Public Buildings and Industrial Development**

#### *Application*

This section applies to:

- Development applications for new commercial, public buildings or industrial development.
- Development applications (that affect waste management) for alterations/additions to existing commercial buildings, public buildings or industrial development.

#### *Submission Requirements*

- Development application must include a completed copy of Part 1 of the Waste management plan.
- Location of individual waste/recycling storage area/room for each tenancy or location of a communal waste/recycling storage area/room for the development.
- Location of an indoor waste/recycling cupboard for each (and all) kitchens in the development.



- Location of any waste chute/s.
- Location of any service rooms (to access waste chutes) on each floor of the building.
- Location of any service lifts used for transporting waste/recyclable materials.
- Location of any waste compaction equipment.
- Location of any trade wastewater discharge points.
- Identified on-site collection point for the collection and emptying of bins.
- The access way for moving bins from the storage area to the collection point (if storage is away from collection point).
- The on-site access way for collection vehicles (if vehicles are to enter the site).

#### *Performance Criteria*

- All developments must include a designated waste/recycling storage area (designed in accordance with details in **Appendix 8.1**) or a designated waste/recycling storage room (designed in accordance with details in **Appendix 8.1**).
- There must be step free access between the point at which bins are collected and emptied and the waste/recycling storage room/area.
- Depending on the size and type of the development, it may be that a separate waste/recycling storage room/area for each tenancy is required.
- Between collection periods, all waste/recyclable materials generated must be kept in the bins so that the contents are not able to leak or overflow.
- The separation of recyclable materials from the general waste must occur in all parts of the development. Arrangements must be made for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.
- The waste/recycling storage area/room must be of a size to accommodate bins and of a sufficient volume to contain the quantity of waste generated (refer to **Appendix 8.1**).
- There must be separate containers for the separation of waste and recyclable materials from the general waste stream.
- The volume and type of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.
- Waste management facilities must be enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.
- Consideration should be given to the time of day at which containers are collected so as to minimise adverse impacts on residential amenity, pedestrian movements and vehicle movements.
- The size and design of the waste/recycling storage area/room must be capable of accommodating future use of the development.
- A waste/recycling cupboard must be provided for each and all kitchen areas in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Where possible waste/recycling containers should be collected from a rear lane access point.
- Premises which discharge trade wastewater must do so only in accordance with a written agreement from Sydney Water. Sydney Water defines trade wastewater as “any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. hand basins, showers and toilets)”.

- Premises which generate at least 50 litres per day of meat, poultry or seafood waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.
- Regular maintenance and cleaning of waste management facilities must occur. It is the responsibility of tenants and cleaners to ensure this happens.
- Any waste chutes must be designed in accordance with the requirements outlined in **Appendix 8.1**.
- Integrated developments require special care to determine if the waste materials generated on-site is such that a particular activity is classified as integrated development.
  - i. Integrated Development is defined by the Environmental Planning and Assessment Act 1979 Section 4.46 as development that, in order for it to be carried out, requires development consent from Council and depending on activities conducted on-site requires a license from a particular government agency.
  - ii. When lodging an application for an activity which is classified as integrated development, the applicant is to indicate on the Development Application form the fact that the proposed development is classified as integrated development. Council will then refer the Development Application to the relevant government agency or agencies as part of the development assessment process.

### **Design of Waste Management Facilities in Mixed Use Development**

#### *Application*

This section applies to:

- Development applications for new mixed use development (e.g. developments includes both residential space and commercial space).
- Development applications (that affect waste management) for alterations/additions to existing mixed use development.

#### *Submission Requirements*

- Development application must include a completed copy of Part 1 of the Waste management plan.
- Plans submitted with a Development Application which includes residential development must include information as required for residential development.
- Plans submitted with a Development Application which includes non-residential development must include information as required for non-residential development.

#### *Performance Criteria*

- The controls listed in section 6.2.2 apply to the residential element of mixed use development.
- The controls listed in section 6.2.2 apply to the non-residential element of mixed use development.
- Mixed use development must incorporate separate waste management systems for the residential and the non-residential component. There must be separate waste/recycling storage areas/rooms for the residential and non-residential elements.
- The residential waste management system and the non-residential waste management system must be designed to efficiently operate without conflict.

- The waste management system for the non-residential component must be designed to reduce the potential for adverse amenity impacts upon the residential element.
- Commercial tenants must be discouraged (through signage and other means) from using the residential waste/recycling bins.
- Where mixed use developments in business zones also have rear lane access Council may consider use of the rear lane for waste collection subject to the following criteria:
  - The lane should in Council's opinion have adequate width (taking into account any permitted parking along the lane).
  - The lane should in Council's opinion serve low traffic problems such that standing waste vehicles will not unduly impede traffic flow.
  - For sites of 12 metres or more in width the development must allow and design for on-site access of a small rigid collection vehicle to enter and exit the site in a forward direction and also not impede access by other vehicles to, within or from the site.
  - For narrower sites the collection vehicle will be permitted to stand in the lane and load from the bins brought to the property boundary.

**Advisory Note:**

For advice and requirements relating to the placement of waste containers (i.e. skip bins), refer to Council's Skip Bin Policy.

## **Appendices**

Please see the Appendices section 8.1 for the appendices referred to in this DCP Section 6.2 Waste Management.

### **6.3 Acid Sulphate Soils**

The BLEP 2012 includes Clause 6.1 that requires development consent to be granted by Council for the carrying out of works specified in the Table to the Clause, on a class of land also specified in the Table. Only two classes apply to land in the Burwood LGA being:

Class 4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
Class 5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Council cannot grant consent under Clause 6.1 unless an acid sulphate soils plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority. Clause 6.1 provides for certain exemptions from this requirement, and applicants should have full regard to the detailed provisions of the Clause.

Where an acid sulphate soils plan must be prepared for the proposed works in accordance with the Acid Sulfate Soils Manual, the manual may be accessed at:

<http://www.environment.nsw.gov.au/mao/acidsulfatesoils.htm>

## 6.4 Flood Planning

Clause 5.21 Flood planning in the BLEP 2012 is introduced by the NSW Government and is in force from 14 July 2021. The objectives of this clause are to:

- Minimise the flood risk to life and property.
- Allow development that is compatible with the flood function and behaviour, taking into account projected changes as a result of climate change.
- Avoid adverse or cumulative impacts on flood behaviour and the environment.
- Enable the safe occupation and efficient evacuation of people in the event of a flood.

The clause requires that the consent authority must be satisfied with a series of provisions and have considered a series of matters before granting development consent for development on land within the flood planning area.

According to the *Floodplain Development Manual* published by the NSW Government in April 2005,

**Flood planning area** means the area of land below the flood planning level (FPL) and thus subject to flood related development controls.

**Flood planning levels (FPLs)** are the combinations of flood levels (derived from significant historical flood events or floods of specific AEPs) and freeboards selected for floodplain risk management purposes, as determined in management studies and incorporated in management plans.

**Annual exceedance probability (AEP)** is the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage.

As part of the floodplain risk management process Council engaged consultants to carry out four draft overland flood studies, being:

- Dobroyd Canal Overland Flood Study, September 2019
- Cooks River Overland Flood Study, August 2016
- Powell's Creek Overland Flood Study, March 2017
- Exile Bay-St Luke's-William Street Overland Flood Study, March 2017

Resulting from these draft studies, a draft Consolidated Flood Identification (CFI) map has been developed, which identifies properties affected by overland or mainstream flooding. The draft CFI map will be placed on Council's website.

Council will endeavour to update the draft flood studies and the CFI map using the latest flood data and guidelines.

This section of the DCP will be updated as more information becomes available.

## **6.5 Stormwater Management**

Council has adopted a separate Stormwater Management Code that aims to:

- To preserve and protect the amenity and property of existing residents, property owners and the community.
- To ensure the safety of residents and the community.
- To meet reasonable expectations and statutory requirements for the development of properties.
- To protect the physical environment and receiving waters of catchments.

To meet these aims Council requires that all developments/building works within the Burwood LGA incorporate stormwater drainage facilities to collect and convey stormwater runoff to Council's system in accordance with the Code.

The Stormwater Management Code does not form part of this DCP. It is available on Council's website.

## **6.6 Landscaping for Development**

Council has adopted a separate Landscaping Code that aims to provide guidelines for the preparation of Landscape Plans as an integral component of new development in Burwood.

The Landscaping Code has been prepared to raise awareness of the aesthetic, functional and environmental benefits of landscaping. It aims to maintain and enhance existing themes and elements of the BTC and streetscapes of Burwood. The guidelines in the Code provide scope for creative design solutions for landscaping consistent with the intent of this Code.

The Landscaping Code does not form part of this DCP. It is available on Council's website.

## 6.7 Energy Efficiency and Sustainability

### Aims

This BDCP section aims to:

- Have regard for the principles of Ecologically Sustainable Development (ESD) by encouraging energy efficient buildings which use readily renewable resources or utilise sustainable materials.
- Reduce energy consumption through choices in the design of development and use of materials.
- Reduce energy consumption through choices in mechanical heating, cooling and artificial lighting.
- Reduce reliance on fossil fuels and minimise greenhouse gas emissions.
- Support and promote renewable energy initiatives.

### Provisions

#### *Residential Development*

- P1** Where applicable, development is to demonstrate compliance with the design principles embodied in the Building Sustainability Index (BASIX). All commitments listed on a BASIX certificate must be marked on all relevant plans and specifications.
- P2** The principles and properties of thermal mass, glazing, insulation and solar energy are to be recognised and incorporated into the design of residential development not subject to BASIX.

#### *Non-Residential Development*

- P3** The non-residential component of any development must aim to achieve at least a minimum of a 4.5 star rating under the National Australian Built Environment Rating (NABERS) system.
- P4** Improve the control of mechanical space heating and cooling by designing heating/cooling systems to target only those spaces which require heating or cooling, not the whole building.
- P5** Improve the efficiency of hot water systems by:
- Encouraging the use of solar powered hot water systems. Solar and heat pump systems must be eligible for at least 24 Renewable Energy Certificates (RECs) and domestic type.
  - Gas systems must have a minimum 3.5 star energy efficiency rating.
  - Insulating hot water systems.
  - Installing water saving devices, such as flow regulators, 3 stars Water Efficiency Labelling and Standards Scheme (WELS Scheme) rated shower heads, dual flush toilets and tap aerators.
- P6** Reduce reliance on artificial lighting and design lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building. Incorporate a timing system to automatically control the use of lighting throughout the building.



- P7** All non-residential development Class 5-9 will need to comply with the Building Code of Australia energy efficiency provisions.
- P8** An Energy Efficiency Report from a suitably qualified consultant that demonstrates a commitment to achieve no less than 4 stars under the Australian Building Greenhouse Rating Scheme or equivalent must be provided for all commercial and industrial development with a construction cost of over \$5 million.

**Advisory Note:**

Consideration must be given to the requirements of the Building Sustainability Index Certificate known as BASIX. This certificate confirms that the development has passed State Government's targets to reduce water and energy use. Information is readily available from the BASIX website at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au) and the NABERS website at [www.nabers.com.au](http://www.nabers.com.au).

## **7 (Repealed)**

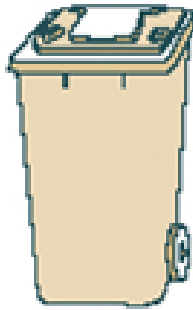
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## 8 Appendices

### 8.1 Waste Management (Relates to Section 6.2)

#### 8.1.1 Residential Bin Measurements

Bin Type	Height (mm)	Depth (mm)	Width (mm)
120 litre	945	620	535
240 litre	1100	740	580
660 litre	1220	640	1340



Shape of Council's 120L and 240L bins.

Diagram: Better Practice Guide for Waste Management in Multi-Unit Dwellings, Resource NSW, 2002.

#### 8.1.2 Waste/Recycling Storage Rooms/Areas

This appendix applies to Development Applications for multi dwelling housing, residential flat buildings, commercial development, public buildings and industrial development which include waste/recycling storage rooms.

- Waste/recycling storage rooms/areas must be constructed in accordance with the requirements of the Building Code of Australia (BCA)

##### *Location and Appearance*

- Waste/recycling storage rooms must be integrated into the design of the overall development. It is preferable that such rooms be located behind the front building line. Wherever possible, the room should be in a basement location within the main building envelope (not a stand alone structure). Building materials and finishes which are visible from outside should be similar in style and quality to the external materials used in the rest of the development.
- Waste/recycling storage rooms must be located and designed in a manner which reduces adverse impacts on residents of any dwellings on the site and neighbouring properties. The location and design of the room should minimise adverse impacts regarding:
  - Location of the room to any dwellings

- ii. Visibility of the room
- iii. Noise generated by any equipment located within the room
- iv. Noise generated by movement of the bins to and from the collection point
- v. Noise generated by collection vehicles accessing the site
- vi. Odours associated with the storage room

#### *Size*

- Waste/recycling storage rooms/areas must be of adequate size to accommodate all waste and recycling bins associated with the development
- Multi dwelling dwellings and residential flat buildings, the waste/recycling storage room must be able to accommodate bins as described in section 3.2.3
- Non-residential development, the waste/recycling storage room must be able to accommodate separate general waste bins and recycling bins which are able to contain the quantity of waste generated between collections.

#### *Layout*

- Within waste/recycling storage rooms, containers used for the storage of recyclable materials should be separate from general waste storage containers, to reduce the potential for contamination of recyclable material.
- The storage room/areas floors and any associated access ways must be sufficiently level so that access for the emptying of containers can occur in accordance with WorkCover NSW occupational health and safety requirements.

#### *Access: Waste/Recycling*

- If on-site emptying of residential bins is to occur, the development must be designed to allow for access by collection vehicles. The development must allow the collection vehicle to enter and exit the site in a forward direction and not impede access to, from or within the site.
- The design of the development must allow for vehicle access to the site for the collection of non-residential waste, by the nominated waste contractor. The development must allow the collection vehicle to enter and exit the site in a forward direction and not impede access to, from or within the site.
- Access driveways to be used by collection vehicles must be designed to be strong enough to support the vehicles.
- If on-site emptying of the bins is to occur, the servicing arrangements must be compatible with the operation of any other loading/unloading facilities on-site.
- The emptying of waste/recycling storage containers must be able to occur in accordance with WorkCover NSW occupational health and safety requirements.

#### *Access: General*

- In multi dwelling dwellings and residential flat buildings there must be an unobstructed and uninterrupted access way (as per Australian Standard 1428) to:
  - i. Entry to any adaptable housing (refer to Australian Standard 4299)
  - ii. Main entrance to each residential flat building
  - iii. Point at which the bins are collected

When a proposal does not comply with these requirements, Council will consider alternative proposals which seek to achieve a reasonable level of access to waste/recycling storage areas or rooms.

- In commercial development, public buildings, and industrial development there must be convenient access from each tenancy to the waste/recycling storage room/s. There must be step free access between the point at which bins are collected and emptied and the waste/recycling storage room/area.
- The storage room is not to be accessible to the general public
- Vermin must be prevented from entering the room

### *Surfaces*

- Waste/recycling storage rooms must have a smooth, durable ceiling, smooth concrete floor at least 75mm thick and smooth concrete or cement rendered walls. The floor/wall intersections must be coved. All internal surfaces must be light coloured.

### *Doors*

- Doors to waste/recycling rooms must be self-closing. If a roller door is to be used, there must be a sign adjacent to the door on the outside of the room which indicates that the door is to remain closed at all times when not in use. All doors are to be openable from both inside and outside the room. Doors need to be wide enough to allow bins to be moved in and out of the storage room.

### *Ventilation*

- Waste/recycling storage rooms should be naturally ventilated by ventilation openings or mechanically ventilated by a system which is isolated from mechanical ventilation systems servicing any other part of the building.

### *Services*

- The waste/storage rooms must be serviced by water from a tap located within the room. Residential developments must have a tap supplying cold water. Non-residential developments the tap must provide hot and cold water through a centralised mixing valve. The tap must be protected from the waste containers and must be located in a position which is easily accessible when the storage room is filled with waste containers.
- The floor must be graded to direct any water to a Sydney Water approved drainage connection located within the storage room
- Waste/recycling storage rooms must be serviced by artificial lighting which can be operated from within the room.

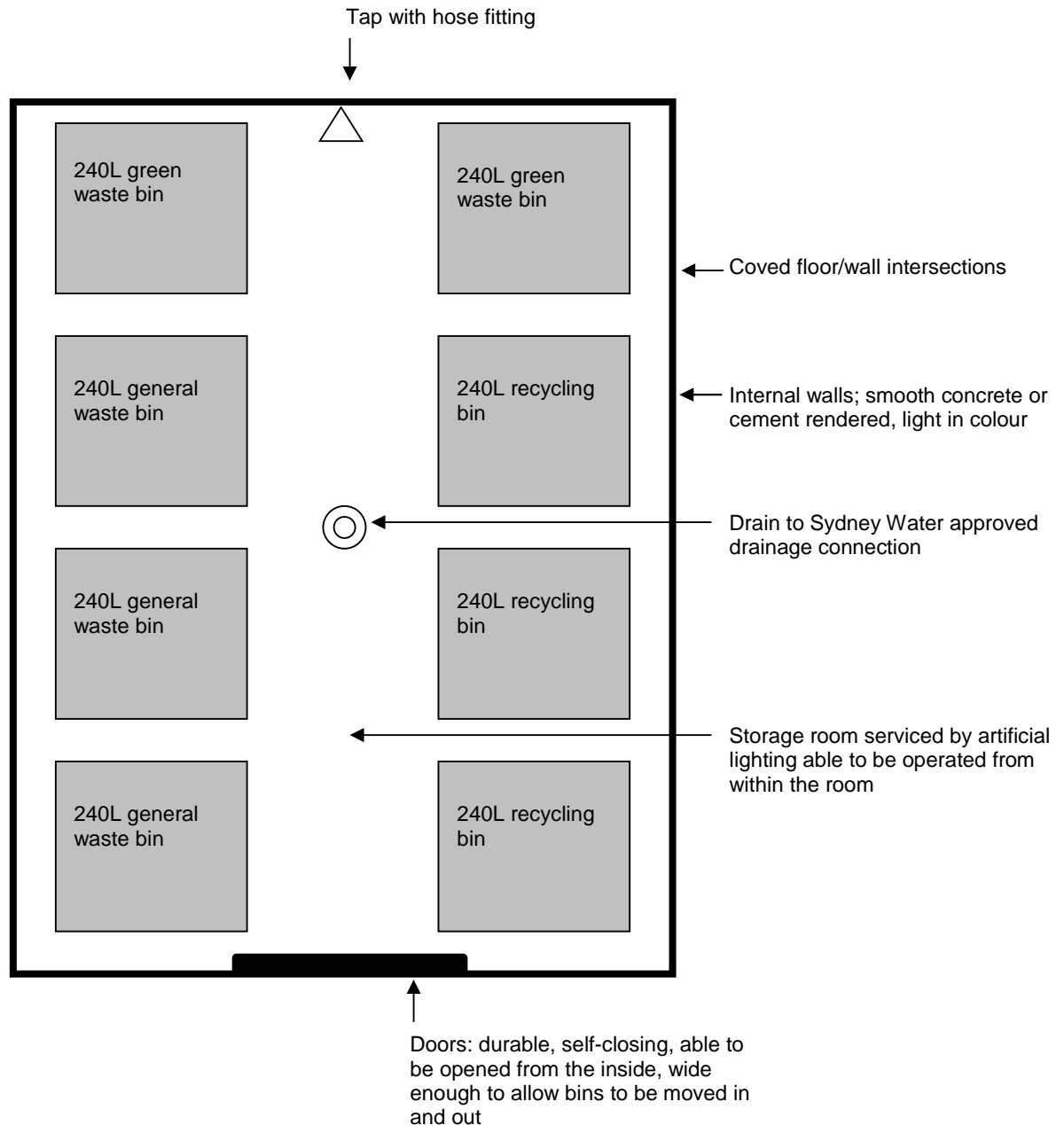
### *Signage*

- Waste/recycling storage rooms must include signage which clearly describes the types of materials which can be deposited into recycling bins, general waste bins and greenwaste bins.

### *Management*

- The waste/recycling bins must be cleaned and maintained regularly. Waste/recycling containers must be washed in an area which drains to a Sydney Water approved drainage connection.

*Example of a waste/recycling storage room for a residential flat building containing six dwellings.*



### 8.1.3 Private Property Access Arrangements

Council collects waste which is generated by residential land uses – including general waste, recycling and greenwaste.

At a development, where Council collectors and/or vehicles are required to enter the site for the purpose of collecting waste, Council will set certain conditions upon the consent of the development.

These conditions usually require the registration of an instrument (under sections 88B and E of the Conveyancing Act 1919) upon the title of the affected property. The instrument would set out the terms and conditions of the easement, positive covenant and restriction on the use of the land.

The terms of the right of carriageway would generally be:

1. full and free right for the Authority Benefited, its employees, contractors and every person authorised by it, to, at all times:
  - (i) go, pass, re-pass and stand upon the Lot Burdened for the purpose of the removal of general waste, recyclable products and greenwaste products with or without vehicles
  - (ii) enter upon the Lot Burdened and remain there for a reasonable time for the purpose of the removal of general waste, recyclable materials and greenwaste products
2. The owner of the Lot Burdened cannot make any claim against the Authority Benefited for any repairs or damage caused to the Lot Burdened as a result of the Authority Benefited exercising its right as set out in clause (1).
3. the owner of the Lot Burdened indemnifies the Authority Benefited, its employees, contractors and persons authorised by it, against any future claim for damage or loss as a result of the Authority Benefited removing general waste, recyclable materials and greenwaste products from the Lot Burdened, except to the extent that such damage or loss is a result of the negligence of the Authority Benefited, its employees, contractors or persons authorised by it.

#### **8.1.4 Garbage Chutes**

##### *Chute Design*

- garbage chutes must be constructed in accordance with the requirements of the Building Code of Australia (BCA)
- garbage chutes must be located and insulated in a manner which reduces noise impact upon dwellings
- chutes, service openings and charging devices must be constructed of material (e.g. metal) which is smooth, durable, impervious, non-corrosive and fire resistant
- chutes, service openings and charging devices must be easy to clean
- chutes must be cylindrical and should be of at least 500mm
- there must not be any bends (or sections of reduced diameter) in the main shaft of the chute
- internal overlaps in the chute must follow the direction of the waste flow
- chutes must be deposit garbage directly into a bin or compactor located in a waste/recycling storage room
- A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.
- The upper end of a chute should extend above the roof line of the building
- The upper end of a chute should be weather protected in a manner which doesn't impede the upward movement of air out of the chute.

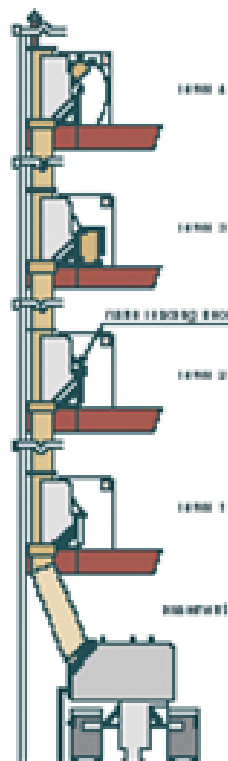
##### *Service Room Design*

- The service opening (for depositing waste into the main chute) on each floor of the building must be located in a dedicated service room

- The charging device for each service opening must be self closing and must not project into the main chute
- Branches connecting service openings to the main chute are to be no more than 1m in length
- Each service room must include containers for the storage of recyclable materials. Signage regarding the materials which can be recycled should be displayed near these containers
- Each service room must be located for convenient access by users and must be well ventilated and well lit.
- The floors, walls and ceilings of service rooms must be finished with smooth, durable materials which are easily cleaned
- Service rooms must include signage which clearly describes the types of materials which can be deposited into the garbage chute and the types of materials which should be deposited into recycling bins

### *Management*

- Garbage chutes are not to be used for the disposal of recyclable materials. Signage to this effect should be displayed near service openings.
- Regular maintenance and cleaning of garbage chutes and any associated service rooms, service openings and charging devices
- Arrangements must be in place for the regular transferral of recyclable materials (which are stored in service rooms) to main waste/recycling storage room.



Example of a garbage chute system

Diagram: Better Practice Guide for Waste Management in Multi-Unit Dwellings, Resource NSW, 2002.



### *Waste Compactors*

- The installation of waste compaction equipment would not normally result in a reduction in the amount of space which is required to be provided for the storage of waste/recycling bins
- Compactors are used to compress waste (and/or recyclable material) so that its volume is reduced. The compacted waste is then deposited into collection containers. The compaction ratio is typically set at around 2:1 (so that after the waste has been compacted it occupies approximately half as much space as it did before compaction). Higher compaction ratios are typically not used as they can result in overly heavy bins. Compactors usually deposit waste directly into a bin.
- Compactors are useful for the mixed garbage, cardboard/paper and plastic/aluminium containers. They are less useful for steel and should not be used for glass. Compactors require regular maintenance. Those systems fed from a chute can be prone to blockages or failure of the electronic device, which can result in garbage overflowing or backing up the chute.

#### **8.1.5 Commercial/Industrial Waste/Recycling Storage Area**

This appendix applies to applications for commercial development and industrial development which include waste/recycling storage areas.

### *Building Code of Australia*

- Waste/recycling storage areas must be constructed in accordance with the requirements of the Building Code of Australia (BCA).

### *Location and Appearance*

- Waste/recycling storage areas must be integrated into the design of the overall development. Materials and finishes which are visible from outside should be similar in style and quality to the external materials used in the rest of the development.
- Waste/recycling storage areas must be located and designed in a manner which reduces adverse impacts on neighbouring properties and the streetscape. The location and design of the areas should minimise adverse impacts associated with:
  - i. Proximity of the area to dwellings
  - ii. Visibility of the area
  - iii. Noise generated by any equipment located within the area
  - iv. Noise generated by the movement of bins into and out of the area
  - v. Noise generated by collection vehicles accessing the site
  - vi. Odours emanating from the area

### *Size*

- Waste/recycling storage rooms/areas must be of adequate size to accommodate all waste and recycling bins associated with the development
- Waste/recycling storage areas must be able to accommodate separate general waste bins and recycling bins which are of sufficient volume to contain the quantity of waste generated (at the rate described).

### *Layout*

- The storage room/areas floors and any associated access ways must be sufficiently level so that access for the emptying of containers can occur in accordance with WorkCover NSW occupational health and safety requirements.
- Within waste/recycling storage rooms containers used for storage of recyclable materials should be kept separate from (but close to) general waste containers, so that the potential for contamination of recyclable materials is minimised.

### *Access: Waste/Recycling*

- The development must be designed to allow for access by collection vehicles used by the nominated waste contractor. Where possible the site must be designed to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, within or from the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.
- Arrangements for the purpose of emptying waste/recycling storage containers must be compatible with the operation of any other loading/unloading facilities on-site.
- Access for the purpose of emptying waste/recycling storage containers must be able to occur in accordance with WorkCover NSW occupational health and safety requirements.

### *Access: General*

- In commercial development, public buildings and industrial development, there must be convenient access from each tenancy to the waste/recycling storage areas. There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage areas
- The waste/recycling storage area is not to be accessible to the general public.
- Vermin must be prevented from entering the waste/recycling storage area

### *Surfaces*

- Waste/recycling storage area must have a smooth, durable floor and must be enclosed with durable walls/fences which extend to the height of any containers which are kept within.

### *Doors/Gates*

- Doors/gates to waste/recycling storage areas must be durable. There must be a sign adjacent to the door/gate which indicates that the door/gate is to remain closed at all times when not in use. All doors/gates are to be openable from both inside and outside the storage area and must be wide enough to allow the bins to be moved in and out.

### *Services*

- Waste/recycling areas must be serviced by hot and cold water provided through a centralised mixing valve. The tap must be protected from the waste containers and must be located in a position which is easily accessible when the area is filled with waste containers.
- The floor must be graded so that any water is directed to Sydney Water approved drainage connection located upon the site.

*Signage*

- Waste/recycling storage areas must include signage which clearly describes the types of materials which can be deposited into recycling bins and general garbage bins.

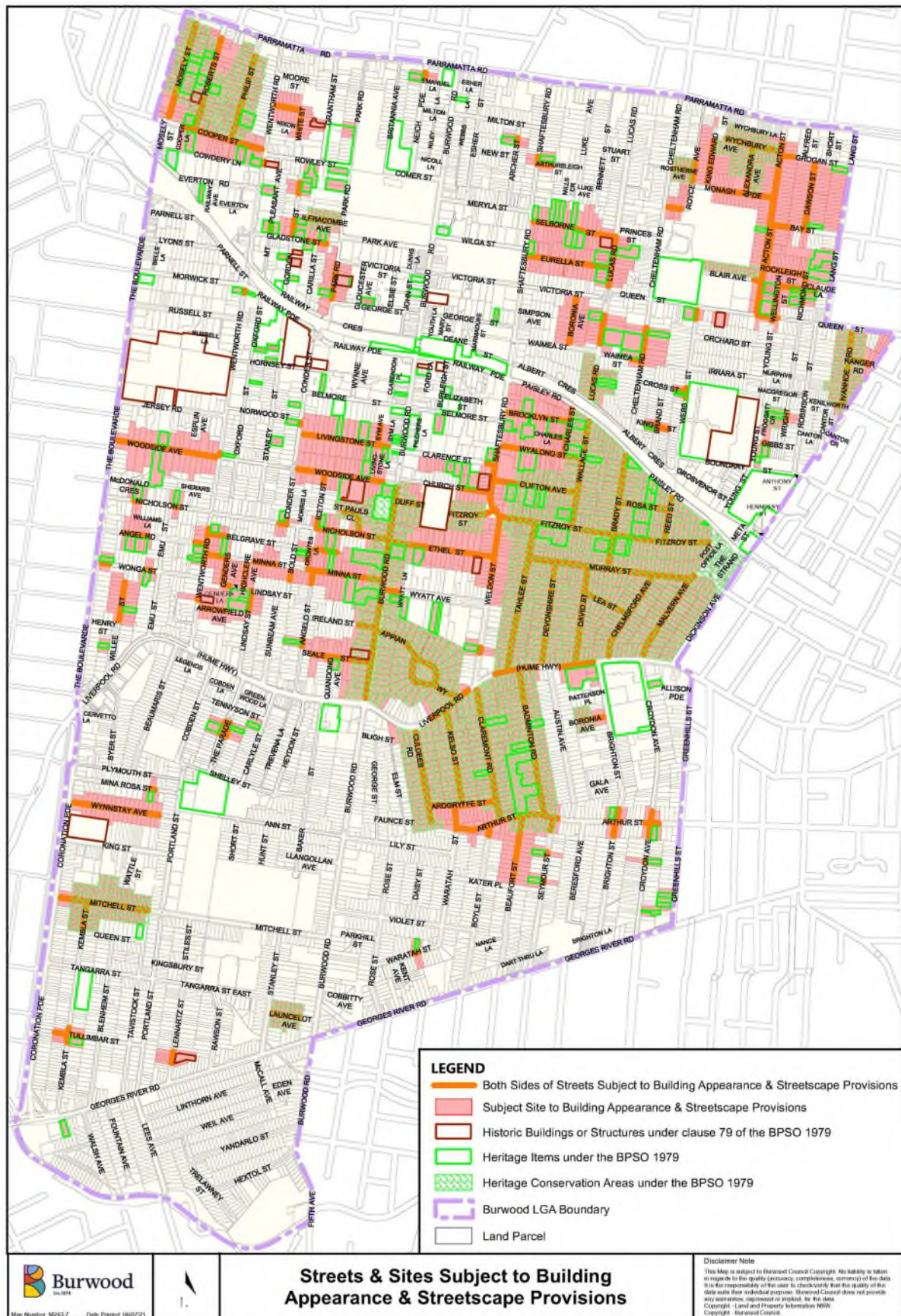
*Management*

- Regular maintenance and cleaning of waste/recycling storage areas. Waste/recycling containers must only be washed in an area which drains to a Sydney Water approved drainage connection.

**8.1.6 Waste/Recycling Generation Rates**

<b>Type of Premises</b>	<b>Waste Generation</b>	<b>Recycling Generation</b>
Backpackers' accommodation	40L /occupant space/week	20L /occupant space/week
Boarding house Guest house Co-living housing	60L /occupant space/week	60L /occupant space/week
Food premises: Butcher Delicatessen Fish shop Greengrocer Restaurant, Café Supermarket Takeaway food shop	80L /100 sqm floor area/day 80L /100 sqm floor area/day 80L /100 sqm floor area/day 240L /100 sqm floor area/day 10L /1.5 sqm floor area/day 240L /100 sqm floor area/day 80L /100 sqm floor area/day	Variable Variable Variable 120L /100 sqm floor area/day 2L /1.5 sqm floor area/day 240L /100 sqm floor area/day Variable
Hairdresser, Beauty salon	60L /100 sqm floor area/day	Variable
Hotel Licensed club Motel	5L /bed space/day 50L /100 sqm bar area/day 10L /1.5 sqm dining area/day	1L/bed space/day 50L /100 sqm bar area/day 50L /100 sqm dining area/day
Offices	50L /100 sqm floor area/day	10L /100 sqm bar area/day
Retail (other than food premises): Shop less than 100 sqm floor area Shop greater than 100 sqm floor area	50L /100 sqm floor area/day 50L/100 sqm floor area/day	25L /100 sqm floor area/day 50L/100 sqm floor area/day
Showroom	40L /100 sqm floor area/day	10L /100 sqm floor area/day

## 8.2 Streets and Sites Subject to Building Appearance and Streetscape Provisions (Relates to Section 4.5)





### 8.3 Appian Way – Assessment of Significance (Relates to Section 4.7)

The Conservation Area is one of the finest examples of intact Federation Queen Anne housing and streetscape, listed by the National Trust of Australia (NSW) as:

*“Probably the finest Edwardian bungalow precinct in Sydney. By virtue of its architectural cohesiveness, idyllic landscaped environment of street and allotment alike with community related sports reserve, this development sets a high standard by today’s criteria”.* (National Trust, 1977)



Figure 82. A typical view in the Appian Way.

#### Criterion 1: Historical Significance

It is a personal and individual interpretation of the architectural styles of the early 1900's by George Hoskins and builder/designer William Richards.

Suggested early precedents include 1869 Emery Childs' Riverside (1600 acres) and residential suburbs in Chicago Illinois by Frederick Law Olmstead and Calvert Vaux, with informally curved roads, tree lined streets and links to open spaces. Concepts of physical and social qualities. Olmstead referred to 'Happy tranquillity'.

The Hoskins Estate was much more modest than Riverside but the similarities are clear. Other possible influences could have been the first Garden Suburbs in England at Bedford Park 1876 and in Bournemouth.

Ebenezer Howard published a book "Garden Cities for tomorrow" in 1897 promoting integration of recreational and residential areas. Hoskins inclusion of a recreational area may be an idea taken from the Haberfield Estate development of R. Stanton with its provision of recreational facilities including lawns and a community meeting pavilion.

There was no regulation regarding sub-divisions in NSW until 1906.

Although William Richards had migrated from England the designs in the Appian Way are said to be based mainly on local Australian Architecture.

## Criterion 2: Aesthetic Significance

The area is a rare Federation Queen Anne (sometimes referred to as Edwardian Bungalow) precinct of architectural and constructional excellence.

It represents an almost intact, complete Federation streetscape (though not strictly in Federation style) and is a unique part of the development of Sydney with exceptionally generous landscaped settings of high quality.



Figure 83. The property names of the Hoskins Estate

The ideas that influenced Richards' design of Hoskins Estate Houses were those of the Federation Queen Anne Style popular from the early 1890s to the start of World War One. The essential character the houses of the estate are related to intersecting gabled roofs, verandahs integrated with the house under the same roofline and turned timber verandah posts.

Generally, the houses are of complex, asymmetrical form, being dominated by extensive verandahs and prominent, irregular rooflines.

The verandahs often have a corner emphasis and as the houses are placed on wide allotments, they tend to feature carefully designed and executed side elevations as well as street façades.

Some roofs incorporate small ornamental turrets. The square turrets of "Vallambrosa", "Capri" and "Talofa" were positioned above entrance halls and the polygonal turret of "Alba Longa" visually reinforces the shape of the verandah below. The only functional turret is at "Verona", where the turret encloses a small room.

The interior of the houses are large with many rooms and involved plans based predominantly on the central hallway concept, which had long been the traditional arrangement in house planning. Consequently, all the rooms are clearly defined and linked by corridors, rather than adopting open living spaces.

The Appian Way houses were designed so that their residents would be able to view the recreation ground from their front verandahs.

The allotments within Hoskins Estate are generally large, and consequently the gardens are extensive. The width of some allotments has resulted in gardens that virtually surround the houses on all sides, and the houses do not encroach closer than at least three metres to the boundaries of their allotments.

The houses have been positioned so that substantial landscaping was provided at both front and rear of the building.

The gardens of the Federation period possessed an individual character and their essence was a reliance on expanses of trim lawns and isolated individual shade trees and shrubs scattered in small informal beds. Rows of small shrubs were planted in narrow beds surrounding the houses and also along the borders of the allotments.

The trees and shrubs used in the gardens have changed over the years, but the original plantings were probably a combination of Australian natives and exotic species.

“Mounterey” has a garden dominated by small palms. In general, Federation gardens tended to use shrubs rather than massed flowerbeds.



**Figure 84. Low picket fences and many shrubs in front gardens characterise the Appian Way Conservation Area**

Previously, the road extended to the footpath providing a more informal edge.

The lots are large and houses are set well back, hence there are large front gardens. Today, these have neat lawns, with shrubs placed to complement the houses, e.g. tall thin trees in front, such as pines, with larger shrubs such as hydrangea ‘softening’ the buildings.

Some gardens have rose beds along the front fences and driveways. The houses originally had shaped flowerbeds, as evident from old photographs. These have been replaced with

lawn. The gardens have their boundaries defined by fences, paths and driveways. On larger blocks, these are curved and extend up to the house.

Within the gardens were features such as small summerhouses and lattice screens. Several gardens included private tennis courts such as at “Colonna” and “Amalfi”. The overall treatment of the gardens indicates that the outdoor environment was an essential part of a resident’s lifestyle.

Another aspect in the landscaping of the estate is the treatment of the roads and recreation area. The edges of the Appian Way were informal because the trees grew between the pavement kerb and the road.

Thus a soft line of soil, gravel, grasses and fallen leaves bordered the road. This situation remains around the recreation area, but on the opposite side the kerb has been moved out past the trees, creating a hard edge. The street trees are box brush, which are part of the original plantings.

All the fences on the estate were timber pickets, and the many that remain indicate that there was considerable diversity in the detailing of the fences.

The recreation area was essentially mown and rolled grass courts, but some shrubs were planted around the pavilion. The pavilion itself is of timber and iron roof construction and includes dressing rooms and an open verandah with a bench for participants and spectators to rest or shelter.

### **Criterion 3: Research Significance**

The area comprises a very unusual and discrete form of garden suburb incorporating the ideas of the builder and owner, in particular the idea of leasing the houses to maintain control over the area. It is rare because no two allotments are the same shape or size, with complex free standing designs quite different from the average urban street.

### **Criterion 4: Social Significance**

It was the product of the vision and desire of George Hoskins to create an ideal suburban environment.

The Conservation Area is rare because of its unique form, which is centred on a social ideal celebrated in the form of the central recreational area and facility. The estate and its houses provide an insight into both the period of its development and the people who lived in it.

Again a probable precedent was at Riverside where Olmstead and Vaux sought to provide a higher quality social environment.

The streetscape was designed ‘to suggest and imply leisure contemplativeness and happy tranquillity’, ‘a character of informal village greens, commons and playgrounds’.

In the 19th century, leased accommodation was usually at the low end of the market with small houses or terraces. Leasing houses on the Appian Way was unusual, as the houses were large in size and number.

Hoskins also, unusually, maintained a continuous involvement in the estate. A recreation reserve was created in the middle of the Appian Way, with the subdivision. It was originally a croquet green, lawn bowling green and lawn tennis court, to provide opportunities for recreation of all ages. In 1909 the area became 3 tennis courts. A registered company was formed in 1913 – the Appian Way Recreation Club Limited – with the shares subscribed for by



residents of the estate with George Hoskins, a resident, the major shareholder and controller. The Recreation Club leased the recreation area to the Appian Way Tennis Club.

In 1929, the Hoskins' Estate Company decided to sell the recreation area. However, a local resident formed a new company and residents subscribed to shares, although today not all shareholders are residents.

### **Statement of Significance**

A rare Edwardian 'garden city' bungalow precinct with excellent Federation Queen Anne and at least one Federation Arts and Crafts architectural and landscape detail, largely intact streetscape, around an unusual and beautifully landscaped oval containing a resident-owned recreational and sporting facility.

The design and construction of the estate was based on a vision of suburban utopia of its owner George Hoskins who was instrumental in developing the steel industry in NSW.

The concept for the design was based on 'Garden City' ideas being developed in England and the USA at the time, for example, 'Riverside' in Chicago by Frederick Law Olmstead and Vaux and "Bedford Park", "Port Sunlight" and "Letchworth" in England designed by Barry Parker and Raymond Unwin springing from the 'Picturesque Landscaping Movement' of the 18th Century in England.

### **References**

The development of the Hoskins Estate Burwood. P. Clements. C19.101 Advanced Study Report. Department of Architecture, University of Sydney. 1978.

## **8.4 Malvern Hill – Assessment of Significance (Relates to Section 4.7)**

The land around Croydon Station was originally part of two estates owned by Samuel Dickenson (The Hall) and Captain G A Murray (The Lea). Both men died in the early 1900s and the land was sold to the Intercolonial Land Investment & Building Company Limited, a prominent development company at the time.

Croydon was a desirable area for a residential subdivision, designed for the middle class. There was a railway service (Croydon Station had opened in 1875) and a steam tram operated along Liverpool Road. Educational, religious and hospital services were located nearby. This, in combination with close proximity to the city and a hill top location, enabled the area to compete favourably with the attractions of land along the north shore line.

The Malvern Hill Estate was formed in the early 1900s when the two large estates were subdivided. A “model” suburb was developed of wide streets, with drainage incorporated. A covenant was placed on the subdivision, requiring all buildings to be of brick and stone with slate or terracotta tile roofs, and allowing no semi-detached or terrace houses. The streets were planted with trees popular in the period, such as palms. The “garden suburb” idea of leafy streets and gardens within a self-contained estate was followed.

The Malvern Hill Estate is of special importance in the history of Burwood. Along with the Appian Way, it is a key part of what distinguishes Burwood for the surrounding area. Possessing some affinities with Haberfield, it is a fine and highly intact Federation/California Bungalow area with consistent and cohesive streetscapes of substantial detached housing. Malvern Hill has connections with numerous important Sydney people, as set out below. The design of new suburbs was influenced by the increased interest in Town Planning. British concepts such as the Garden Suburb Movement and “model” suburbs were translated into the Australian Garden Suburb.

The Garden Suburb is characterised by special areas for residential and commercial uses, the erection of freestanding residences with gardens, wide tree-lined streets and parks and reserves. Rear lanes and right-of-ways became redundant with the introduction of the sewerage system and the provision of side access between dwellings. The new estates were designed to contrast to the “slums” of terrace housing in the city.

Other examples of garden suburbs include Haberfield, Daceyville and Cremorne. Parts of Burwood, for example, the Appian Way, were also influenced by these ideas.

The houses in Malvern Hill were built from 1909 to the late 1920s. The dominant styles are Federation and California Bungalow. A variety of house designs exist, as Federation was a nationalistic interpretation by individual architects and builders, often with a combination of elements from previous historical periods and styles.

The Federation style houses are characterised by red and purple-brown or red-brown brickwork, often highlighted with contrasting darker blue bricks, moulded bricks and tuck-pointing, with sandstone base. Bay windows and timber column supported verandah often featured shingles and timber framework.

Steeply pitched roofs of unglazed terracotta Marseilles tiles or slate were most common and usually incorporated ornamental terracotta ridge cappings, complex hipped roofs and gables with decorative finials and tall chimneys.



**Figure 85. A good example of a Federation style house**

### **Criterion 1: Historical Significance**

By 1915, the increasing influence of American architecture was becoming evident in domestic architecture with the introduction of the California Bungalow style. The newer California Bungalow style was characterised by low-pitched roofs with squat chimneys and wide overhanging eaves, simple bold forms, dark brick and roughcast walls and massive brick or stone pylons supporting a deep porch.

In turn Art Nouveau motifs appear in Bungalow fretwork, leadlights of the windows and tile patterns as abstracted plant designs. In addition, Australian symbols were sometimes found in details such as leadlight windows depicting kookaburras, waratahs, etc.

In 1909, the Sydney based surveying firm Atchison & Schleicher were engaged to create a 61-acre (24.6-hectare) subdivision. The estate was developed under the provisions of the newly introduced Local Government Act, 1906. This set standards that resulted in wide tree-lined streets and large and well-drained building allotments.

- The Post Office (opened 1913) was the first building in The Strand. Development continued until 1920.
- The subdivisions of Malvern Hill were in these sections (refer to **Figure 86**):
- The Strand and Malvern Avenue/Dickinson Avenue: April 1909
- Malvern Avenue/Chelmsford Avenue/Lea Street/David Street: September 1909

- Murray Street (between The Strand and Brady Street): May 1911
- Murray Street (from Brady Street to Tahlee Street) and Tahlee Street: March 1912
- Fitzroy Street: September 1917

### **The Strand**

The Strand shopping centre, developed between 1913 and 1920, also contributes to the Federation character of the area. It was designed as a broad and elegant shopping street and promenade leading to the residential areas.

The shops in The Strand developed from 1913, starting on the western side (completed in 1913) with no shops on the eastern side until 1917 (being nos. 12-26), the balance completed by 1929. Shop façades are modulated, with repetition of structural bays and parapets, unified by a suspended awning at the same height. Above the awning are simple brick façades, with recessed balconies (behind semi-circular brick arches) and/or panel windows. Usually, the shops are in groups of three with slight variations in detailing of parapets etc., between each group. Below the awning the original shop front consists of a large display window, timber surrounds with decorative glass toplight and glazed-ceramic tiles (green, crimson, burnt gold with Art Nouveau motifs). The entrance was generally to one side with mosaic tiling to the porch. Later shops featured brass surrounds and some displayed recessed central door entries.

### **Criterion 2: Aesthetic Significance**

A feature of the estate that contributes to its cohesive nature was that a building covenant was stipulated. All residences had to be detached houses built of brick or stone. Roofs were to be slate, shingles or terracotta tiles. No more than one dwelling per lot was allowed. The buildings other than the shops could be no closer than 20 feet (6 metres) to the street.

Gas mains and sewerage were provided to every allotment.

The allotments were sold by auction from 1909. By the 1920s, the residential character was established. The houses range from cottages to larger cottage-villas, to two storey houses built on double blocks. The houses were built by private owners and speculative builders. The result is a variety of house styles and sizes in Federation and California Bungalow forms.

The Malvern Hill Estate in Croydon lies approximately 11 kilometres west of the Sydney Central Business District. The extent of the original estate, the same as the conservation area, covers approximately 23 hectares of land south-west of Croydon Railway Station.

The dominant features in the Malvern Hill Estate are the wide roads, tree lined footpaths and cohesive streetscapes with skyline broken by Federation and California Bungalow style roofs, gables and chimney stacks on dwellings and an intact shopping strip.

The topography of the area is gently sloping to flat. The land slopes downwards to the north, from Liverpool Road to Murray Street. David Street and Chelmsford Avenue run south-west to north-east down the slope so are, in effect, on the side of Malvern Hill. The slope does create some variation in the views and townscape, but a “hill” in itself is not pronounced.

The alignment of Malvern and Dickinson Avenues and The Strand is an example of an interesting road form, of curved rather than the traditional gridiron street pattern. The Strand maintains the purpose of a formal avenue, which leads to the residential streets.

The skyline is dominated by street trees and the features of the houses such as chimney stacks, gables, ridge capping and rooftops of the two storey houses.

Malvern Hill is generally a residential area with a shopping centre adjacent to Croydon Railway Station. The area is described by the National Trust of Australia (NSW) as:

*“a distinctive, highly cohesive area of good quality Federation period houses and shops, street planning and planting in streets and gardens. The area is significant as an early planned ‘model suburb’ and is one of the first examples of the successful application of local government development controls”.*

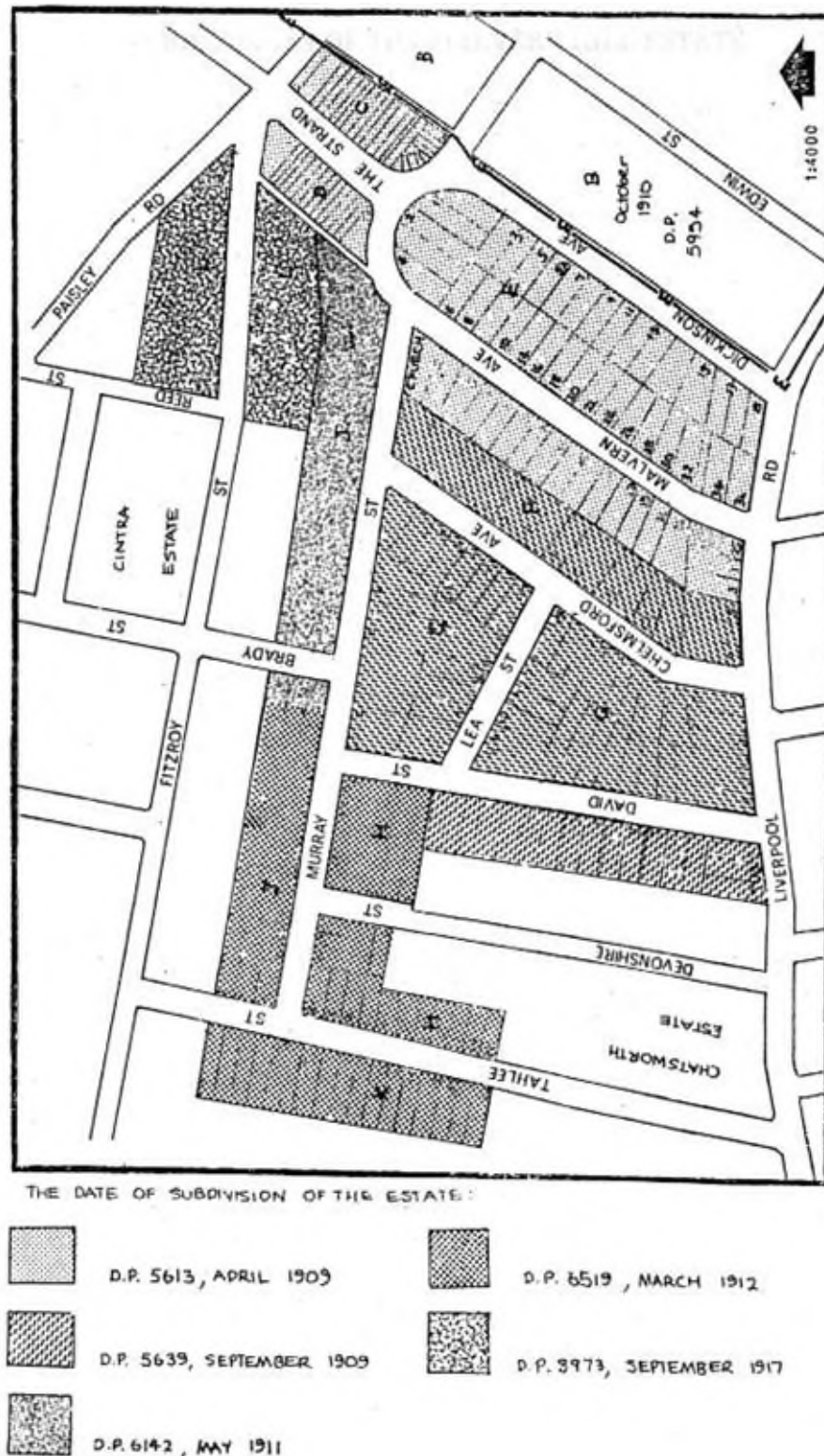


Figure 86. Subdivisions of the Malvern Hill Estate

The National Trust's conservation area is larger and extends across the eastern boundary of the Burwood LGA (Dickinson Avenue) into the Ashfield LGA. However, about 90 per cent of the conservation area lies in Burwood.

The street trees, especially those associated with the Federation period, contribute to the character of the area. Examples of the original plantings are found in Lea Street and Chelmsford Avenue.

In Lea Street, the palms *Phoenix Canariensis* (Canary Palms) line the road. Burwood Council, in 1912, pioneered the planting of the trees as other varieties such as Camphor Laurels, interfered with electricity wires. Originally the palms were located on the roadway, as was commonly seen around the Burwood and Ashfield areas.

The decision to initially prepare a draft LEP was based on:

Malvern Hill is recognised by the National Trust of Australia (NSW) as a "classified" Urban Conservation Area and the houses in Malvern Avenue, Numbers 3-21 and 2-26 (excluding Numbers 11A and 6) form part of the Malvern Avenue Precinct.

Croydon Post Office and number 1 The Strand are also separately listed.

Representations made to Council by the Burwood and District Historical Society expressing concern for the need to ensure permanent protection of this Federation precinct.

The land around Croydon Station was originally part of two estates owned by Samuel Dickenson (The Hall) and Captain G A Murray (The Lea). Both men died in the early 1900s and the land was sold to the Intercolonial Land Investment & Building Company Limited, a prominent development company at the time.

Croydon was a desirable area for a residential subdivision, designed for the middle class. There was a railway service (Croydon Station had opened in 1875) and a steam tram operated along Liverpool Road. Educational, religious and hospital services were located nearby. This, in combination with close proximity to the city and a hill top location, enabled the area to compete favourably with the attractions of land along the north shore line.

The Malvern Hill Estate was formed in the early 1900s when the two large estates were subdivided. A "model" suburb was developed of wide streets, with drainage incorporated. A covenant was placed on the subdivision, requiring all buildings to be of brick and stone with slate or terracotta tile roofs, and allowing no semi-detached or terrace houses. The streets were planted with trees popular in the period, such as palms. The "garden suburb" idea of leafy streets and gardens within a self-contained estate was followed.

The Malvern Hill Estate is of special importance in the history of Burwood. Along with the Appian Way, it is a key part of what distinguishes Burwood for the surrounding area. Possessing some affinities with Haberfield, it is a fine and highly intact Federation/California Bungalow area with consistent and cohesive streetscapes of substantial detached housing. Malvern Hill has connections with numerous important Sydney people, as set out below.

The design of new suburbs was influenced by the increased interest in Town Planning. British concepts such as the Garden Suburb Movement and "model" suburbs were translated into the Australian Garden Suburb.

The Garden Suburb is characterised by special areas for residential and commercial uses, the erection of freestanding residences with gardens, wide tree-lined streets and parks and reserves. Rear lanes and right-of-ways became redundant with the introduction of the

sewerage system and the provision of side access between dwellings. The new estates were designed to contrast to the “slums” of terrace housing in the city.

Other examples of garden suburbs include Haberfield, Daceyville and Cremorne. Parts of Burwood, for example, the Appian Way, were also influenced by these ideas.

The houses in Malvern Hill were built from 1909 to the late 1920s. The dominant styles are Federation and California Bungalow. A variety of house designs exist, as Federation was a nationalistic interpretation by individual architects and builders, often with a combination of elements from previous historical periods and styles.

The Federation style houses are characterised by red and purple-brown or red-brown brickwork, often highlighted with contrasting darker blue bricks, moulded bricks and tuck-pointing, with sandstone base.

Bay windows and timber column supported verandah often featured shingles and timber framework. Steeply pitched roofs of unglazed terracotta Marseilles tiles or slate were most common and usually incorporated ornamental terracotta ridge cappings, complex hipped roofs and gables with decorative finials and tall chimneys.

A feature of the estate that contributes to its cohesive nature was that a building covenant was stipulated. All residences had to be detached houses built of brick or stone. Roofs were to be slate, shingles or terracotta tiles. No more than one dwelling per lot was allowed. The buildings other than the shops could be no closer than 20 feet (6 metres) to the street.

Gas mains and sewerage were provided to every allotment.

The allotments were sold by auction from 1909. By the 1920s, the residential character was established. The houses range from cottages to larger cottage-villas, to two storey houses built on double blocks. The houses were built by private owners and speculative builders. The result is a variety of house styles and sizes in Federation and California Bungalow forms.

The houses in Malvern Hill were built by a variety of architects and builders. The smaller, less elaborate houses in Murray Street, for example, would have been designed by builders, the larger cottages in Malvern and Dickinson Avenues, by architects as set out below. More detailed analysis of the work of these architects in Malvern Hill is covered in the late Phillip Clement’s study (“The Architecture of the Malvern Hill Estate”. 1981).

The most significant buildings in the estate are the large and elaborate Federation and Bungalow houses in Malvern and Dickinson Avenues. Some of these have individual merit and were mostly architect designed. The small builder-designed houses are meritorious as a group due to their cohesive character, rather than outstanding individual form.

#### *Architects and Builders*

The houses in Malvern Hill were built by a variety of architects and builders. The smaller, less elaborate houses in Murray Street, for example, would have been designed by builders, the larger cottages in Malvern and Dickinson Avenues, by architects as set out below. More detailed analysis of the work of these architects in Malvern Hill is covered in the late Phillip Clement’s study (“The Architecture of the Malvern Hill Estate”. 1981).

#### *Building Character*

The most significant buildings in the estate are the large and elaborate Federation and Bungalow houses in Malvern and Dickinson Avenues. Some of these have individual merit



and were mostly architect designed. The small builder-designed houses are meritorious as a group due to their cohesive character, rather than outstanding individual form.

### *Roofs*

In Federation houses, the roofs are in complex forms, with exposed rafter ends and generally asymmetrical (**Figure 87**).

The original decorations included terracotta ridge capping and ornaments. As specified in the building covenant, the roofs were of slate or terracotta tiles. In bungalow houses, the roofs are lower pitched, less complex and often had exposed rafter ends. Gables and attic windows are features of some buildings in the area. Chimneys in Federation houses are brick or partially roughcast, with brick strapping decoration: they are tall and thick, whereas chimneys on bungalow houses are more squat and massive.



**Figure 87. Asymmetrical roof forms**

### *Bricks*

In Malvern Hill, the bricks are dark brown-purplish in colour or light brown. Darker bricks are used as highlights. Other materials include sandstone, for example, No 22 Malvern Avenue - sandstone verandah supports. Sandstone is also used beneath bay windows and as a house base. Tuckpointing, or the filling in of brick joints with mortar for highlighting walls to the front elevation, was also popular.

### *Verandahs*

Virtually all of the original houses in Malvern Hill have verandahs. In Federation style houses these are decorated with tessellated tiles and slate or marble edging, turned timber columns, timber railings and fretwork. The verandah was intended to be a useable outdoor space, an extension of the garden environment into the house. Bungalows also have verandahs but these have less timber decoration and are of a much larger scale.



### *Windows*

The windows have timber frames and are a single unit or in banks and are vertical in proportion. They often have decorative leadlight panes, with art nouveau designs and/or coloured panes of glass.

### *Fences*

The front fences in Malvern Hill vary between low brick, timber pickets and modern styles. The Federation houses often had picket fences, although these are less common in Malvern Hill and low brick fences, matching the house bricks, predominate. These often have rounded “bullnose” edges. California bungalows also had brick fences, with an infill of wrought iron panels in scroll patterns.

### *Height/Storeys*

The majority of houses are single storey, although some have steep roofs, with attic levels, for example, No 15 Malvern Avenue. The minority two storey houses are located mainly in Malvern and Dickinson Avenues, on larger blocks in the earlier subdivisions. There are a small number of modern houses in the area.

### *Garages/Carports*

Most houses have car parking on site as well as adequate on-street parking. The garages have usually been located behind the building line to the rear of the sites as allotments were wide enough to allow for this. There are a few cases where carports have more recently been erected in front as well as to the side of houses.

### *The Strand*

The façade, although partially altered with new windows to some premises, is still intact above street level. The terracotta tiled roofline is broken with gables. The balconies on the first floor are recessed with brick arches. These are intact at the northern end but are enclosed with rectangular aluminium windows at the southern end. In the centre, a shingled bay window projects out over the awnings (no. 11). The roofs are terracotta or slate and, in sections, have been replaced with new tiles but in sympathetic colours. There exists a parapet wall with contrasting dark brick strapping highlighting arches. Recessed brick arches, similar to those on the western side were originally unenclosed, but some now have windows.

The shop fronts on street level have been largely remodelled on both sides of The Strand. A few shops, for example, Numbers 16, 18, 26, 38, 42 and 50, have retained the original character of dark green or crimson ceramic tiled fronts, with art nouveau colours. The brass sashes around windows are also retained at Numbers 16, 18, 26 and 50.

Some shop steps have retained tessellated tile patterns, such as at Numbers 16, 18, 26 and 50.

### *Landscape*

The compartmentalisation of the suburb was carried over to the gardens. Fences, hedges and paths defined the gardens and the house. These are a feature in Malvern Hill. There are paths, either curved or straight, leading across lawns of couch or buffalo grasses. The paths often feature decoratively coloured tessellated tiles.

The gardens tend to be in a formal style, with strategically placed trees and shrubs. These were planted to complement the houses' architecture, for example, tall thin trees such as palms were located in front gardens and larger shrubs like frangipani or hydrangea placed

around the house to soften the edges. Often roses were located along front fences or adjacent to front paths. There may also have been shaped flower beds in the earlier gardens.

The street trees, especially those associated with the Federation period, contribute to the character of the area. Examples of the original plantings are found in Lea Street and Chelmsford Avenue.

In Lea Street, the palms *Phoenix Canariensis* (Canary Palms), being within the pavement area, line the road. Burwood Council, in 1912, pioneered the planting of the trees as other varieties such as Camphor Laurels, interfered with electricity wires. Originally the palms were located on the roadway, as is commonly seen around the Burwood and Ashfield areas. Improvements, however, have taken place recently and the footpath widened to include the palm trees. This has had the effect of narrowing the road pavement area.

The brush box trees along Chelmsford Avenue also contribute to the attractive character of the area.

Eucalypts in David Street, although not the original species planted, create a light leafy canopy.

### *Townscape and Streetscape*

Any new two storey buildings, modern alterations to single storey houses or removal of original street trees and landscaping not only affects the cohesive character of the area when looking at individual houses, but destroys the character of the area when viewed overall.

### **Criterion 3: Research Significance**

There are a number of future research opportunities in respect of the Malvern Hill Estate and Conservation Area, such as:

- Connections to other garden suburbs in Sydney and overseas, show how elements were varied to suit Australian and New South Wales conditions.
- How was the Garden Estate or Subdivision made “self contained”?
- The effect of covenants placed on Malvern Hill Estate properties.
- What were the particular design elements of the Estate houses that attracted the “middle class” purchasers?
- The reasons for the particular species of trees selected for the Estate.

### **Criterion 4: Social Significance**

From the late 1800s, optimism in Australia’s future was strong, culminating in the Federation of the States in 1901. There was prosperity in the building industry. Materials and tradesmen were freely available. Building techniques had advanced.

Unlike in the Victorian era when large commercial and government buildings were emphasised, the construction of new suburbs for the middle classes increased. A large rise in population resulted in urgent needs for housing. The spread of suburbs was assisted by the growth of public transport.

The Burwood and District Historical Society advises that:

The Malvern Hill Estate is one of the earliest conservation areas in NSW and has been the subject of numerous studies, including the original Malvern Hill Conservation Study, carried out by Burwood Council staff in 1983, and architectural analysis of The Strand carried out by

Helen Lochhead and Steven Togher (date unknown) and an analysis of some houses by the late Philip Clements.

The Malvern Hill Estate contains some of the earliest California Bungalows in Sydney and many of these are architect designed.

The area has connections with a number of important Sydney personages such as Sir Bertram Stevens, who lived in Malvern Avenue whilst Premier of NSW in the 1930s.

The area contains a number of houses designed by architects such as Peddle and Thorpe, George Durrell, Donald Esplin, Kent Budden and Greenwell, Morrow and De Putron and William Kenwood.

Originally all streets were lined with Canary Island Date Palms (*Phoenix Canariensis*) of which only six survive in Lea Street. Despite the loss of palm trees, the area still has strong landscape qualities with mature plantings of plants such as palms, camphor laurels, crepe myrtles and frangipanis.

It has a database compiled from the building registers of Burwood Council that lists the builders and/or architects of nearly 150 of the houses and shops in Malvern Hill.

### **Statement of Significance**

The Malvern Hill Estate is significant because together with the Appian Way and other conservation area in Burwood, it is a key part of what distinguishes Burwood from other parts of Sydney.

It is a highly intact relatively large area of quality Federation and California Bungalows on substantial blocks of regular size together with an integral neighbourhood shopping centre divided by wide tree lined streets presenting cohesive but varied streetscapes.

Malvern Hill has connections with a number of important Sydney people and a number of well-known architects as referred to previously.

The area's particular scale and detail presents a highly desirable area for family living.

## **8.5 Plan of Management – Template**

This Appendix contains a template for use in the preparation of a Plan of Management for a Boarding House or Co-Living Housing development.

The Plan of Management sets out the various requirements and responsibilities of management and lodgers and includes:

- Management Arrangement and Staff contact details
- Lease Agreements
- Council consent compliance details
- Furniture/ Equipment
- Fire Safety
- Cleaning/ Maintenance/ Gardening/ Pest Control
- Inspection and recording records
- Waste and Recycling
- Maximum Occupation
- Safety, Security and Amenity
- Neighbour Interaction/ Complaints Handling
- Maintenance of an Incidents Register
- Use of Kitchen/ Meals provision
- House Rules
- Parking Arrangement
- Emergency Evacuation Plan
- Requirements for keeping Council informed of any change in management

Note: Requirements may change from time to time, and consultation should be made with Council to ensure currency of requirements.

**PLAN OF MANAGEMENT**  
**Boarding House/ Co-Living Housing**  
**[INSERT ADDRESS]**

## 1 Introduction

- 1.1 This Plan of Management provides directions and controls on the use and management of the premise as a Boarding House or Co-Living Housing. The directions and controls are to be strictly adhered to in the operation of the Boarding House or Co-Living Housing, to ensure compliance with the conditions of Development Consent and health and amenity requirements for both the occupants and surrounding residents.
- 1.2 The Plan of Management refers to the plans prepared by [Insert Name] dated [Insert Date of Plans] and Development Application No. [Insert Number].
- 1.3 The Plan of Management has been prepared for a Boarding House or Co-Living Housing at premises: [Insert Address, Suburb]. The Boarding House or Co-Living Housing was approved on [Insert Date of DA Consent] and is subject to compliance with the Conditions of Consent [Insert DA Consent Number]. The Conditions of Consent and a copy of the approved plans are provided as Annexure A [Provide Copy of Relevant Consent As Annexure A].
- 1.4 The Boarding House or Co-Living Housing is to be managed by [Insert Whether an Off-Site Manager, Or On-Site Manager] who will be familiar with the content of the Plan of Management.  
[Insert Manager Contact Details]
- 1.5 The location of the premises is shown on Figure 1 – Location Plan.  
[Insert Location Plan]

## 2 Definitions

In this Plan of Management

- a. **Building:** means the building known as [Insert Address].
- b. **Business:** means the operation of the building as a Boarding House or Co-Living Housing.
- c. **Communal Room:** means the room(s) identified as the communal room(s) on the approved plans.
- d. **Common Areas:** means the common room(s), kitchen, laundry/bathroom, hallways and the stairs as identified on the approved plans.
- e. **Common Open Space:** means the external communal area including the front yard, side yard, rear yard, ground floor patios and porches as identified on the approved plans.
- f. **Council:** means Burwood Council.

- g. **Boarder, Lodger, Occupant:** means a person having the benefit of the use a nominated room and the common rooms /areas within the building.
- h. **Manager:** means
  - For Boarding House – the Land and Housing Corporation or a registered community housing provider;
  - For Co-Living Housing – the Manager engaged by the business proprietor.
- i. **Owner:** means the registered proprietor/s of the building.
- j. **Room:** means that part of the building occupied and used by a lodger/ occupant.

### 3 The Development

The subject Boarding House or Co-Living Housing development comprises the following:

- Total No. of rooms comprising
  - o No. of single rooms
  - o No. of double rooms
  - o No. of Manager's room (if any)
- No. of vehicle parking spaces
- No. of bicycle parking spaces
- No. of motorcycle parking spaces
- No. of indoor communal living area
- No. of outdoor communal open space

Refer to the approved plans prepared by [Insert Name] dated [Insert Date of Plans] and Development Application No. [Insert Number].

### 4 Objectives of the Plan of Management

This plan seeks to minimise the impacts associated with the ongoing use of the Boarding House or Co-Living Housing located on the Site, particularly the potential impacts on the surrounding residential properties.

The specific objectives of the plan are to:

- a. Demonstrate the responsibilities of the Manager
- b. Ensure that an acceptable level of amenity is maintained to surrounding residential properties
- c. Ensure that appropriate measures are implemented to maximise the safety and security of residents
- d. Detail the process for reporting, recording and management of complaints and incidents associated with the operation and management of the premises

### 5 Access to Plan of Management

A copy of the approved Plan of Management is to be provided to each occupant/ resident and will be made available to all persons involved in the operation and management of the premises. All staff and occupants are to be made aware of the contents and their obligations under approved Plan of Management.

A full copy of the approved Plan of Management is to be permanently displayed in each room and each common area.

## 6 Responsibilities of The Manager

The proprietor shall engage a Manager whose responsibilities are, but not limited to, the following:

<b>No.</b>	<b>Responsibility</b>	<b>Description</b>
1	Availability	The Manager is contactable 24 hours/ day, 7 days/ week.
2	Accommodation Registration	<p>Maintain an up-to-date Accommodation Register providing the following details:</p> <ul style="list-style-type: none"> <li>- Name of the occupant</li> <li>- ID (typically driver's license or passport) of each occupant</li> <li>- Allocated room of occupant</li> <li>- Length of stay</li> <li>- Payment details</li> <li>- Occupation</li> </ul> <p>Provide a copy of the Accommodation Register to Council or the NSW Police upon request.</p>
3	Border/ Lodger/ Tenant Selection	<p>Ensure that all tenants submit a tenancy application, together with appropriate identification and verification checks prior to entering into a Lease Agreement.</p> <p>All tenants will be screened through the National Tenancy Database, criminal record, employment and reference checks.</p>
4	Incident Registration	<p>Maintain an <i>Incident Register</i> which includes the following information and is available to neighbouring residents, police, and/ or Council upon request:</p> <ul style="list-style-type: none"> <li>- Incident date and time</li> <li>- Name, address and contact details of person reporting the incident</li> <li>- Details of the incident</li> <li>- Action undertaken by the Manager</li> <li>- Follow up and outcome and/or further action required</li> </ul>
5	Complaints Registration	<p>Maintain a <i>Complaints Register</i> which includes the following information and is available to neighbouring residents, police, and/ or Council upon request:</p> <ul style="list-style-type: none"> <li>- Registration No. of complaint (as provided to the person at the time of lodging the complaint)</li> <li>- Complaint date and time</li> <li>- Name, address and contact details of person making the complaint</li> </ul>

		<ul style="list-style-type: none"> <li>- Nature of complaint</li> <li>- Action undertaken to resolve the complaint</li> <li>- Follow up and outcome and/or further action required</li> </ul>
6	House Rules	Enforce the House Rules listed in of this Plan of Management.
7	Information Provision	Provide occupants with appropriate information prior to the commencement of occupation, as required under this POM. The Manager must ensure occupants are aware of the contents of this POM. A hard copy of this plan is to be provided to each new occupancy upon arrival.
8	Occupancy Duration	Enforce the minimum occupancy period of not less than 3 months and house rules listed in this POM. At no time is any room to be advertised or made available for short term stay accommodation such as that associated with backpacker hostels, motels, hotels or the like.
9	Cleanliness of the Premises	<p>Ensure that a cleaner attends the Boarding House or Co-Living Housing twice weekly to make sure that the common areas, private open space, car parking and general outside areas of the Boarding House or Co-Living Housing area kept clean, tidy and disinfected to a professional standard.</p> <p>Ensure each room will be provided with a waste disposal container.</p>
10	Inspection and Records	<p>Carry out inspections on a regular basis at a minimum of once every 3 months to ensure that the building is maintained in a clean and tidy condition and that all facilities and fittings are appropriately maintained.</p> <p>Record all inspections in a log book which must be made available to Council upon request.</p>
11	Waste Minimisation and Recycling	<p>Organise the waste collection and facility needs for the site, and the ongoing storage and collection of waste on-site including transfer of waste to and from collection points for the waste collection service as required, and regular cleaning of bins/waste storage areas/ rooms.</p> <p>The manager is to be responsible for the collection arrangements, including making sure that the waste containers are placed adjacent to the kerb on the day of collection and removed back onto the property promptly after collection, and including the servicing of special waste such as “sharps” and/or sanitary</p>



		<p>napkin receptacles. Where receptacles are provided for the disposal of sanitary napkins, these are to be serviced and readily cleaned on a regular basis.</p> <p>Collection responsibilities of the manager include all regular garbage, recycling and green waste collection services, as well as household clean-up collection, ensuring goods for collection are managed in accordance with Council's collection requirements (information available on Council's website at: <a href="http://www.burwood.nsw.gov.au">www.burwood.nsw.gov.au</a> or via Council's Customer Service 02 9911 9911).</p>
12	Occupancy Rate	The maximum number occupants of each room will be documented in the Lease Agreement between the landowner and the tenant. Quarterly inspection of each room will be carried out to ensure compliance with the Lease Agreement and this POM.
13	Impact on Adjoining Properties	Ensure minimum impact on adjoining properties by applying the House Rules.
14	Safety and Security	<ul style="list-style-type: none"> <li>▪ Internal signage will be prominently displayed to provide the Manager's contact details, as well as emergency contact numbers for essential services such as fire, ambulance, police and utilities such as gas, electricity, plumbing, locksmith, security and cleaning services.</li> <li>▪ Provide occupants with a key to their room and the common areas once they have entered into a Lease Agreement</li> <li>▪ Frequently check equipment, fittings and furnishings and maintain them in safe working order. If equipment is identified as unusable, these items will be tagged appropriately and a replacement or repair organised within a reasonable period.</li> <li>▪ Maintain the electrical circuits to a safe standard</li> <li>▪ Ensure laundry facilities are maintained in safe working order within each room.</li> </ul>
15	Change in the Management	<ul style="list-style-type: none"> <li>▪ Notify the Council in writing within 1 month of any change in the management and provide contact details for the new management.</li> </ul>

## 7 Access to the Premises

The Boarding House or Co-Living Housing shall be accessible to all registered occupants 24 hours/ day, 7 days/ week. Occupants shall enter the premises by using a security card/ key.

## 8 Maximum Occupation

The total maximum number of occupants in the building is [Insert Number in Text and In Numerals].

The maximum number of persons per bedroom is as follows:

<b>Room No.</b>	<b>Max. No. of persons</b>
Room one (1)	[Insert number in text and in numeral]
Room two (2)	[Insert number in text and in numeral]
Room three (3)	[Insert number in text and in numeral]
Room four (4)	[Insert number in text and in numeral]
Room five (5)	[Insert number in text and in numeral]
Room six (6)	[Insert number in text and in numeral]
Room (etc.)	[etc.]

Occupants will be provided with the following:

- A copy of this Plan of Management
- A copy of their Lease Agreement
- A copy of the Emergency Evacuation Plan
- One (1) key is to be provided to each occupant to access their individual bedroom, communal living room and communal open space
- Access to vehicle parking is to be provided when specified as part of the occupant's Lease Agreement
- Working door locks to individual bedrooms
- A container for waste disposal equipped within each room
- Fitting, equipment and furnishings are to be maintained in a safe working conditions

## 9 Furniture & Facilities

[This section is to be used to list the furniture and facilities provided within each room of the boarding house or co-living housing. An example list is provided]

[Example List]

1. *Each room shall be provided with:*
  - a. One (1) single bed, mattress and bedding
  - b. One student desk & chair
  - c. One desk lamp
  - d. Clothes storage facility of 1.0m<sup>3</sup>
  - e. Window furnishing/blind
2. *The communal kitchen is to be provided with a sink, one stove (or an oven and cook top) and two large refrigerators/freezer.*
3. *The common room is to be provided with a dining table and [insert number] of chairs*

Note: Additional inclusions should also be listed here, such as television, sofas, etc, and identification of access and facilities for people with disabilities.]

[End of example list]

## 10 Minimising Impacts On Residents

So as to minimise impacts upon the residents of adjoining premises as well as residents of the building the following rules are to apply:

- a. No loud music or television noise is permitted after 10.00pm.
- b. No parties or gatherings are permitted upon the premises after 10.00pm.
- c. No visitors other than residents of the property are permitted after 10.00pm.
- d. No use of the outdoor areas is permitted after 10.00pm.
- e. No smoking in areas which may affect the amenity of other residents on site or of residents of neighbouring properties.

Note: More specific references may be required to define the terms such as “loud” and “noise”, maximum number of persons after 10pm, etc depending on the scale of development proposed.

## 11 House Rules

House Rules must be prepared as part of the Plan of Management, and addressing the following headings. The approved House Rules must be clearly displayed within each bedroom and within each communal living area of the development

The house rules are to be clearly displayed throughout the premises and are to detail the following:

<b>Rule</b>	<b>Description</b>
Resident and guest behaviour	Residents and their guests must not interfere with the reasonable peace, comfort and privacy of other residents and neighbouring properties.
Maintenance of rooms	<p>Residents must maintain their rooms:</p> <ul style="list-style-type: none"> <li>- In a clean manner</li> <li>- In a way that does not interfere with the reasonable comfort of other residents</li> <li>- In a way that does not create a fire or health hazard</li> </ul> <p>Residents must not intentionally or recklessly damage or destroy any part of their rooms or a facility of the Boarding House or Co-Living Housing</p>
Guests	Residents must make sure their guests are aware of and follow the House Rules. No guests are allowed into the Boarding House or Co-Living Housing before [xx] am and after [xx] pm.

Keeping of pets	Pets must not be kept on the premises without the written permission of the Manager.
Waste disposal	General waste is to be enclosed in appropriate receptacles and all waste (general, recycling and green) shall be disposed responsibly in the common waste collection area. No domestic rubbish, food scraps, food wrappers, goods or materials are to be left in the hallways, common areas or outside the Boarding House or Co-Living Housing
Fire safety	Occupants are to familiarise themselves with the location of the fire blankets, fire extinguishers, fire safety and evacuation procedures located in the hallway and within each room.
Noise control	Noise is to be kept to a minimum at all times in both private rooms and common areas. Please enter and leave the premises quietly.
Security	The front door of the premises is to be locked at all times. Please do not let anyone in the premises who has no legitimate reason to be there. Any loss of keys should be reported to the Manager for further actions.
Outdoor communal areas	The outdoor communal areas will be available for all occupants to use, between [xx] am and [xx] pm, [xx] days a week. The shared facilities within outdoor communal areas are to be kept clean and tidy after the quiet enjoyment.
Indoor communal areas	The indoor communal areas will be available for all occupants to use, between [xx] am and [xx] pm, [xx] days a week. The shared facilities within indoor communal areas are to be kept clean and tidy after the quiet enjoyment.
Communal kitchen	The communal kitchen will be available for all occupants to use, between [xx] am and [xx] pm, [xx] days a week. The communal kitchen facilities are to be kept clean and tidy after the use.
Smoking/ Alcohol/ Drugs	No smoking is permitted in private rooms. Alcohol shall be consumed responsibly. Drugs are strictly prohibited from being consumed in the Boarding House or Co-Living Housing.
Access to rooms for inspection	Access to private rooms must be made available for quarterly inspection by the Manager to ensure that the room is

	maintained in a clean and tidy condition and that all facilities and fittings are appropriately maintained.
Renew any lease	Incident register will be referred to prior to renewing any lease

## 12 Fire Safety

Emergency Evacuation Plans are to form part of this Plan of Management.

All fire safety features within the building are to be regularly maintained in accordance with any statutory requirements.

A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area.

A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room.

All residents are to be made aware of the fire safety features of the building and what to do in the event of an emergency.

All staff shall be trained in relation to the operation of the approved Emergency Management & Evacuation Plan.

## 13 Cleaning & Maintenance

The subject premises are at all times to be maintained in a safe and healthy condition. In this regard all common areas are to be cleaned to a professional standard at least once a week. The cleaning and maintenance is to occur to both the area and fixtures and fittings in the area.

In addition, all boarders are to be made aware, upon their entering into an agreement to occupy, of their responsibilities in relation to the maintenance and cleaning of the facility.

Further, the common open space areas are to be maintained in a neat and orderly manner. This will require twice/month mowing and garden maintenance during spring and summer and once/ month mowing and garden maintenance during autumn and winter.

## 14 Waste Management & Recycling

Residents of the facility are to be encouraged where possible to take advantage of Council's waste and recycling facilities. It is the responsibility of the boarder to sort garbage and place it in the appropriate receptacles.

The manager is to be responsible for the collection arrangements, including making sure that the waste containers are placed adjacent to the kerb on the day of collection and removed back onto the property promptly after collection, and including the servicing of special waste such as "sharps" and/or sanitary napkin receptacles. Where receptacles are provided for the disposal of sanitary napkins, these are to be serviced and readily cleaned on a regular basis.

Collection responsibilities of the manager include all regular garbage, recycling and green waste collection services, as well as household clean-up collection, ensuring goods for collection are managed in accordance with Council's collection requirements (information available on Council's website at: [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au) or via Council's Customer Service Centre ph: 9911 9911).

## **15 Safety & Security**

At least the following matters are to be provided within the property:

- Internal signage indicating the property caretaker or manager and contact numbers;
- Emergency contact numbers for essential services including fire, ambulance, police and utilities such as gas, electricity, plumbing and the like;
- Perimeter lighting;
- Individual room keys (a master key is to be maintained by the manager and made available to the fire brigade);
- Landline telephone within a common area available for use by residents in the event of an emergency.

Note: Other safety and security measures for reference in the POM might also include:

- surveillance or security camera systems;
- fencing and secure gates;
- Identification of access and facilities for people with disabilities;
- Information about maximum loading of electrical circuits.

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**[END OF PLAN OF MANAGEMENT]**

**THIS IS THE END OF THE  
BURWOOD DEVELOPMENT CONTROL PLAN**