**ADDENDUM TO PPSSEC-20 – 28-34 VICTORIA STREET, BURWOOD**



**LIST OF NON-STANDARD CONDITIONS OF CONSENT**

**PLANNING**

1. The developer shall enter into a Voluntary Planning Agreement (VPA) **prior to the issue of a Construction Certificate,** consistent with the draft agreement supported by Council at its Ordinary Meeting of 28 July 2020. The VPA is to include a monetary contribution of **$3,337,775** to Council towards the provision of public facilities.

In accordance with Section 93F to the EP&A Act (5) which states “*If a planning agreement excludes the application of section 94 or 94A to particular development, a consent authority cannot impose a condition of development consent in respect of that development under either of those sections (except in respect of the application of any part of those sections that is not excluded by the agreement).*

1. Detailed design of the publically accessible pedestrian through site link is to be provided to Council for approval **prior to the issue of a Construction Certificate**. The detailed design shall include the following:
	1. Provision and maintenance of uncontrolled (no gates, doors or the like) public access at all times (24 hours a day, 7 days a week);
	2. Signage at the street entries (i.e. Victoria Street) indicating public accessibility and the name of the street to which the connection links (i.e. George Street);
	3. Details of equitable access for all across the entire length of the through site link and compliance with *AS 1428.1-2009 – Design for access and mobility - General requirements for access - New building work*;
	4. Landscaping in accordance with Council’s Public Domain Plans (as amended), with species selected from Council’s Street Tree Management Strategy;
	5. Details of security and surveillance, including CCTV camera locations to ensure safety and security along the entire through site link;
	6. A lighting plan, including all lighting fixture types and locations, lux diagrams and plans of management for lighting operations (such as automatic timing, sensor operation and the like); and
	7. Details of design measures to ensure that a future connection to a pedestrian through site link within No. 23-27 George Street located to the south can be easily provided and implemented in the future.

The through site link must be constructed in accordance with the approved detailed design and must be made publically accessible **prior to the issue of an Occupation Certificate** for any part of the approved development. The through site link shall be operated in accordance with the detailed design unless agreed otherwise in writing by Council.

1. An easement for public access is to be created for the full width of the through site link on the western side of the site. The through site link is to be publicly accessible at all times and is to be landscaped and maintained in a manner suitable for universal access. The easement shall be created and registered on the Deposited Plan and identified in a Section 88B Instrument in accordance with the requirements of the Conveyancing Act, 1919. The Section 88B Instrument pertaining to the easement for public access is to nominate Burwood City Council as an interested party to the terms of the easement. The easement is to be registered with NSW Land Registry Services **prior to the issue of an Occupation Certificate** for any part of the approved development.
2. Easements for public access are to be created in accordance with the requirements of the *Conveyancing Act, 1919* for all street front setbacks adjoining the public domain. The terms of the easements are to permit a right of pedestrian way and vehicle movement. The Section 88B Instrument shall nominate Burwood City Council as an interested party to the terms of the easements. The easements are to be registered with NSW Land Registry Services **prior to the issue of an Occupation Certificate** for any part of the approved development.
3. The following design amendments to apartments listed below with details to be provided on floor plans to be provided to Council for approval **prior to the issue of the Construction Certificate:**
	1. Units 21.05 and 22.05 – window to be added to the northern wall of the kitchen/dining room. Window must be openable and at least 1.6m above finished floor level of the kitchen/dining room for each apartment.
	2. Unit 21.03 – window to be added to the southernmost bedroom wall. Window must be openable and at least 1.6m above finished floor level of the bedroom.
4. The following design amendments listed below with details to be provided on plans to Council for approval **prior to the issue of the Construction Certificate:**
	1. Privacy screens and/or obscure glazing are to be incorporated on the eastern windows on Levels 1 and 2;
	2. End of trip facilities, including showers/change rooms and lockers are to be provided in Basement Level 1 for the approved non-residential land uses. The quantum and design of end of trip facilities are to be provided in accordance with 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). 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 are to have a combined area of not less than 2sq metres each.
	3. Three (3) of the residential visitor spaces at basement level are required to be provided as accessible visitor spaces and are to comply with the requirements of A*S 1428.2-1992 - Design for access and mobility*.
5. The Electrical Substation located within the front façade and Fire Hydrant Booster located within the site’s front setback (i.e. facing Victoria Street) shall each be sympathetically screened from public view through the use of utility cupboards, screens, walls, louvres or the like. The method of screening shall be contained wholly within the property boundary, and meet the requirements/standards of the relevant utility provider.
	1. An integrated landscaping design plan shall be provided for the screening of the Electrical Substation and Fire Hydrant Booster.
	2. Details of the proposed screening (i.e. design, dimensions, material, finish) shall be submitted to Council for approval **prior to the issue of a Construction Certificate.** Satisfaction of this condition shall be confirmed upon written advice by Council.
	3. Installation of the approved Electrical Substation and Fire Hydrant Booster screening shall be completed and verified by an inspection by the Principal Certifying Authority (PCA) **prior to the issue of any Occupation Certificate.**
6. Any replacement of the dividing fences pertaining to the shared boundary with 17, 19 and 21 George Street, Burwood, shall provide timber or masonry fence materials. Sheet metal or metal panel fencing (e.g. Colorbond) will not be permitted. Any replacement fencing shall have the concurrence of adjoining property owners prior to installation. Any replacement fencing shall be constructed at the full cost of the owner/developer.
7. Compliance with the approved BASIX Certificate referenced in Condition 1. Details are to be provided on plans **prior to the issue of a Construction Certificate.**

**LANDSCAPE**

1. Updated Landscape Plans are to be submitted to Council for approval **prior to the issue of a Construction Certificate.** The updated Landscape Plans are an addendum to the Landscape DA Report Issue C prepared by Turf Design Studio dated 28 July 2020, and are to incorporate the following amendments:
2. Delete the commercial communal open space located at Level 1 on the southern side of the development (above the waste collection rooms); and
3. Include landscape detailing for the approved residential communal open space located on Level 23.

Landscaping is to be installed as per the approved amended Landscape Plans. Landscaping to be completed **prior to the issuing of an Occupation Certificate.** Landscaping to be maintained at all times following installation. This includes replacement of dead, damaged, or unhealthy plants with like for like.

1. An updated Arboricultural Impact Assessment (AIA) is to be submitted to Council for approval **prior to the issue of a Construction Certificate.** The updated AIA is in addendum to the tree protection measures to be implemented as per the content of the Arboricultural Impact Assessment (AIA) report by TALC, dated 16 August 2019. Trees to be retained and protected include Tree numbers 23, 24, 25, 26, 27, 28, 29 and 30, located on the eastern adjoining property, and the unidentified street tree located on the Victoria Street footway to the north of No. 30 Victoria Street. The layout of the tree protection fencing to be implemented as per the amended AIA report. All tree protection measures are to be implemented prior the commencement of any construction work and must remain in place and maintained until the issuing of an Occupation Certificate.

**AMENDMENT TO CONDITION No. 59**

59**.** The building being known as No. ~~12-14 Gloucester Avenue~~ 28-34 Victoria Street, Burwood and this number (at least 150mm in height) being clearly displayed on the site **prior to the issuing of an Occupation Certificate.**