

DRAFT CONDITIONS – CONSTRUCTION OF DWELLINGS

APPROVED PLANS

1. Compliance with Plans

The development shall take place in accordance with the following plans prepared by:

Residential Logistics

- Job No. 1511, Drawing No. ARC-RL-SO2-SUBDIVISION PLAN Page No. 1 of 1, Issue k, dated 29 September 2009.
- Job No. 1511, Drawing No. ARC-RL-SO2-STREETSCAPE ELEVATIONS Page No. 1 – 2 of 2, Issue B, dated 4 February 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-101-102, Page No. 1 – 2 of 2, Issue B, dated 15 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-103 & 133, Page No. 1 – 5 of 5, Issue C, dated 12 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-104-105, Page No. 1 – 2 of 2, Issue B, dated 13 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-106, Page No. 1 of 1, Issue D, dated 15 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-107-108, Page No. 1 – 2 of 2, Issue C, dated 15 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-109, Page No. 1 of 1, Issue B, dated 12 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-110, Page No. 1 – 2 of 2, Issue B, dated 14 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-111, Page No. 1 – 2 of 2, Issue C, dated 15 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-112, Page No. 1 of 1, Issue B, dated 12 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-113, Page No. 1 – 2 of 2, Issue C, dated 14 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-114, Page No. 1 of 1, Issue B, dated 13 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-115, Page No. 1 of 1, Issue C, dated 15 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-116, Page No. 1 – 2 of 2, Issue C, dated 15 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-117, Page No. 1 of 1, Issue B, dated 15 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-118, Page No. 1 – 2 of 2, Issue B, dated 12 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-119, Page No. 1 – 3 of 3, Issue C, dated 15 April 2010.

- Job No. 1511A, Drawing No. ARC-RL-SO2-120, Page No. 1 – 2 of 2, Issue B, dated 12 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-121-122, Page No. 1 – 2 of 2, Issue C, dated 15 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-123, Page No. 1 of 1, Issue B, dated 15 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-124-125, Page No. 1 – 2 of 2, Issue B, dated 12 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-126, Page No. 1 – 2 of 2, Issue B, dated 12 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-127, Page No. 1 of 1, Issue C, dated 15 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-128, Page No. 1 – 2 of 2, Issue B, dated 12 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-129, Page No. 1 – 2 of 2, Issue C, dated 12 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-130, Page No. 1 – 2 of 2, Issue C, dated 15 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-131, Page No. 1 – 2 of 2, Issue C, dated 12 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-132, Page No. 1 – 2 of 2, Issue B, dated 12 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-202-204, Page No. 1 – 3 of 3, Issue C, dated 8 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-207-208, Page No. 1 – 2 of 2, Issue C, dated 16 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-209-210, Page No. 1 – 2 of 2, Issue B, dated 12 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-211-212, Page No. 1 – 2 of 2, Issue C, dated 19 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-214-215, Page No. 1 – 2 of 2, Issue C, dated 16 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-216, Page No. 1 – 2 of 2, Issue C, dated 13 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-217-218, Page No. 1 – 2 of 2, Issue C, dated 13 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-219-220, Page No. 1 – 2 of 2, Issue B, dated 22 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-207-208, Page No. 1 – 2 of 2, Issue C, dated 16 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-221-222, Page No. 1 – 2 of 2, Issue C, dated 12 April 2010;
- Job No. 1511A, Drawing No. ARC-RL-SO2-225-227, Page No. 1 – 3 of 3, Issue C, dated 7 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-228, Page No. 1 – 2 of 2, Issue C, dated 16 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-229, Page No. 1 – 3 of 3, Issue C, dated 7 April 2010.

- Job No. 1511A, Drawing No. ARC-RL-SO2-301, Page No. 1 – 2 of 2, Issue B, dated 14 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-302, Page No. 1 – 2 of 2, Issue C, dated 16 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-303, Page No. 1 of 1, Issue C, dated 16 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-304-307, Page No. 1 – 3 of 3, Issue C, dated 13 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-308-310, Page No. 1 – 3 of 3, Issue C, dated 16 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-311-312, Page No. 1 – 2 of 2, Issue D, dated 16 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-313, Page No. 1 – 2 of 2, Issue C, dated 13 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-314-315, Page No. 1 – 2 of 2, Issue C, dated 7 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-317, Page No. 1 – 3 of 3, Issue C, dated 7 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-318-320, Page No. 1 – 3 of 3, Issue C, dated 16 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-321-322, Page No. 1 – 2 of 2, Issue C, dated 16 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-323-324, Page No. 1 – 2 of 2, Issue C, dated 7 April 2010.
- Job No. 1511A, Drawing No. ARC-RL-SO2-325-326, Page No. 1 – 2 of 2, Issue C, dated 7 April 2010.

Hughes Trueman

- HT Project No. 09P520, Drawing No. CIV-HT-S01-DAC0101, Revision C, dated 29 January 2010.
- HT Project No. 09P520, Drawing No. CIV-HT-S01-DAC0105, Revision C, dated 29 January 2010.
- HT Project No. 09P520, Drawing No. CIV-HT-S01-DAC0110, Revision C, dated 29 January 2010
- HT Project No. 09P520, Drawing No. CIV-HT-S01-DAC0111, Revision C, dated 29 January 2010.
- HT Project No. 09P520, Drawing No. CIV-HT-S01-DAC0120, Revision C, dated 29 January 2010.
- HT Project No. 09P520, Drawing No. CIV-HT-S01-DAC0121, Revision C, dated 29 January 2010.
- HT Project No. 09P520, Drawing No. CIV-HT-S01-DAC0122, Revision C, dated 29 January 2010.
- HT Project No. 09P520, Drawing No. CIV-HT-S01-DAC0123, Revision C, dated 29 January 2010.
- HT Project No. 09P520, Drawing No. CIV-HT-S01-DAC0130, Revision C, dated 29 January 2010.

Site Image Landscapes

- Job No. SS09-2033, Drawing No. LAN-SI-S02-0050, Issue 1, dated 19 April 2010.
- Job No. SS09-2033, Drawing No. LAN-SI-S02-0000, Issue 3, dated 4 February 2010.
- Job No. SS09-2033, Drawing No. LAN-SI-S02-0101, Issue 3, dated 4 February 2010.
- Job No. SS09-2033, Drawing No. LAN-SI-S02-0102, Issue 3, dated 4 February 2010.
- Job No. SS09-2033, Drawing No. LAN-SI-S02-0103, Issue 3, dated 4 February 2010.
- Job No. SS09-2033, Drawing No. LAN-SI-S02-0104, Issue 3, dated 4 February 2010.
- Job No. SS09-2033, Drawing No. LAN-SI-S02-0105, Issue 3, dated 4 February 2010.
- Job No. SS09-2033, Drawing No. LAN-SI-S02-0106, Issue 3, dated 4 February 2010.
- Job No. SS09-2033, Drawing No. LAN-SI-S02-0501, Issue 3, dated 4 February 2010.
- Job No. SS09-2033, Drawing No. LAN-SI-S02-0502, Issue 3, dated 4 February 2010.

except as amended in red by Fairfield City Council and/or any conditions of this consent.

2. Compliance with Reports

The development shall take place in accordance with the following documents:

- Statement of Environmental Effects prepared by Urbis, Report No. SA3338.Stage 2 SEE, dated February 2010.
- Environmental Assessment Report (EAR) prepared by Urbis, Job No. SA3338, Report No. Concept Plan and Project Application.v12a, dated November 2007.
- Preferred Project Report (PPR) prepared by Urbis, Job No. SA3338, Report No. SA333.PPR-050608 Final, dated 5 June 2008 and the Revised Statement of Commitments dated November 2008.
- Bonnyrigg Masterplan prepared by Urbis, dated September 2008.
- Amended Voluntary Planning Agreement (VPA), dated July 2008.
- Bonnyrigg Infrastructure and Services Delivery Plan prepared by Bonnyrigg Partnerships, Job Code SA3338, Report No. Bonnyrigg Infrastructure and Services Delivery Plan – 180608 – Finals, dated June 2008.

- Transport Management and Accessibility Plan (TMAP) prepared by SKM, Final Report, dated 28 October 2008.
- Stage 2 Environment and Construction Management Plan prepared by Hughes Trueman, Revision 4, dated 13 April 2010.
- Water Cycle Management Report prepared by Hughes Trueman, Revision C, dated 5 August 2008.
- Stage 2 Stormwater Design prepared by Hughes Trueman, Revision C, dated 29 January 2010.
- Remedial Action Plan prepared by JBS Environmental Pty Ltd, Report No. JBS 40756-14105 (Rev 0), dated January 2010.

except as amended in red by Fairfield City Council and/or any conditions of this consent.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a Construction Certificate by a Certifying Authority. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.

3. Contract of Insurance or Owner-builder Permit

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that:

- A contract of insurance that complies with Part 6 of the Home Building Act 1989 is in force in relation to the subject work. A certificate of insurance is to be provided to the other party of the contract; or
- An owner-builder has a valid owner-builder permit issued by the Department of Fair Trading.

4. Stormwater Drainage Certificate

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that:

- Satisfactory arrangements have been made for the disposal of stormwater;
- The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
- The piped drainage system has been designed to an Average Recurrence Interval of not less than 5 years.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

- a. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.
- b. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

5. Engineering Construction Certificate

Prior to the issue of a Building Construction Certificate an Engineering Construction Certificate shall be submitted to the Certifying Authority for the construction of the footpaths and inter-allotment drainage works including drainage works external to the proposed lots in accordance with approved plans and specifications at no cost to Fairfield City Council.

For the issue of the Engineering Construction Certificate, five (5) copies of plans and specifications giving full details of the design and construction shall be submitted with the application.

6. Vehicular Crossing Application

Prior to commencement of construction works, a vehicular crossing application shall be submitted to and approved by Fairfield City Council. Access to the development shall be via a standard crossing in accordance with Fairfield City Council's requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pole.

7. Remedial Action Plan

Prior to the issue of a Construction Certificate, the Remedial Action Plan prepared by JBS Environmental Pty Ltd, Report No. JBS 40756-14105 (Rev 0), dated January 2010, shall be amended to include and address any potential contamination of the parcel of land known as 15 Deakin Place (now included within the Stage 2).

The revised Remedial Action Plan shall then be submitted to and approved by a NSW EPA Accredited Site Auditor prior to the issue of a Construction Certificate.

8. Validation Report

Upon completion of all required remedial works, a Stage 4 Validation Report summarising the results of the remediation and final validation sampling for the Stage 2 site, shall be carried out in accordance with the NSW EPA Contaminated Sites Guidelines. This Validation Report must then be submitted to and approved by a NSW EPA Accredited Site Auditor, confirming the suitability of the land for the intended use(s).

The Stage 4 Validation Report will determine if the site has been validated for the residential purposes and if there is potential for future impact upon human health or the environment. A copy of the Site Audit Report and Site Audit Statement shall be submitted to Fairfield City Council.

9. Demolition and Construction Traffic Management Plan

The submission of a Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Fairfield City Council for approval prior to the issue of Construction Certificate.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site.

10. Construction Certificate Required

Prior to the commencement of any building and construction works, a Construction Certificate is required to be issued by a Certifying Authority.

11. Appointment of a Principal Certifying Authority

Prior to the commencement of any construction works, the person having benefit of a development consent, or complying development certificate must:

- a. appoint a Principal Certifying Authority; and
- b. notify Fairfield City Council of the appointment.

12. Notify Fairfield City Council of Intention to Commence Works

The applicant must notify Fairfield City Council, **in writing** of the intention to commence works at least two (2) days prior to the commencement of any construction works on site.

13. Sydney Water Consent

Prior to the commencement of any construction works on site, the approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

If the development complies with Sydney Water's requirements, the approved plans will be appropriately stamped and shall be submitted to the Certifying Authority prior to the commencement of any works on site.

For Quick Check agent details please refer to the website www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone: 13 20 92.

14. Kerb and Gutter Status Form

Prior to the commencement of any construction works on site, the applicant shall return the attached footpath/kerb and gutter form to Fairfield City Council detailing the existence of, and the condition of, any foot paving, and/or kerb and gutter provided adjoining the site for checking against Fairfield City Council's records. Damage to footpaths, kerbs, stormwater systems and general streetscape will require restoration at the developer's expense.

15. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with Fairfield City Council's Erosion and Sedimentation Control Policy shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

The documented erosion and sediment control plan shall be available on-site for inspection by Fairfield City Council Officers and all contractors undertaking works on the site.

16. Toilet Facility

Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility, or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

17. Sign During Construction

Prior to the commencement of construction works, a sign must be erected in a prominent position on site during construction:

- a. Stating that unauthorised entry to the work site is prohibited,
- b. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours, and
- c. Showing the name, address and a telephone number of the Principal Certifying Authority for the development.

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate by the Principal Certifying Authority.

18. Interim / Final Occupation Certificate Required

Prior to the commencement of any use and/or occupation of the subject development (whole or part), either an Interim Occupation Certificate or Final Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate the Principal Certifying Authority must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate or Complying Development Certificate.

19. Works on Adjacent Roads

Prior to the issue of the Final Occupation Certificate, the following works are to be completed:

- a. The footway adjacent to the development shall be regraded topsoiled and turfed in accordance with the approved levels.
- b. All redundant kerb laybacks shall be removed and replaced with Fairfield City Council's standard kerb and gutter. Any redundant crossings shall be removed and the footpath topsoiled and turfed.

All works to be carried out on adjacent lands under the control of Fairfield City Council, shall be in accordance with the standard requirements and specifications of Fairfield City Council.

20. Ancillary Development Works Required

Prior to the issue of the Final Occupation Certificate, the following work shall be undertaken to the satisfaction of the Principal Certifying Authority:

- a. All retaining walls and associated drainage shall be constructed;
- b. Grading of the external ground;
- c. Construction of the driveway; and
- d. Turfing, paving and dividing fencing.

21. Smoke Alarm Certification

Prior to the issue of an Occupation Certificate (Interim or Final), a certificate prepared by licensed electrical contractor shall be submitted to the Principal Certifying Authority, certifying that the smoke alarms have been installed in accordance with the Building Code of Australia, AS 3786 and AS 3000.

22. Termite Protection Certification

Prior to the issue of the Final Occupation Certificate, a certificate of treatment prepared by a suitably qualified pest control contractor shall be submitted to the Principal Certifying Authority. The certificate of treatment shall certify that the building has been protected from subterranean termites in accordance with AS 3660-2000.

23. Basix Certification

Prior to the issue of an Occupation Certificate (Whether interim or final), a compliance certificate shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in accordance with the commitments identified on the Basix Certificates.

Should the design of the dwellings alter or the Basix commitments change, new Basix Certificates will be required to be completed and submitted to the Principal Certifying Authority and Fairfield City Council.

24. Adjustments to Public Utilities

Prior to the issue of the Final Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Fairfield City Council.

25. Mailbox Required

Prior to the issue of the Final Occupation Certificate, a mailbox shall be provided on site in accordance with the requirements of Australia Post.

26. House Number Required

Prior to the issue of the Final Occupation Certificate, the applicant shall contact Fairfield City Council's Land Information Systems Branch on ph. 9725-0318 to request allocation of house and where appropriate, unit numbers. The numbers shall be placed on the mailbox and on the building in a readily visible location.

27. Building in Saline Environments

The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate design features and building materials need to be incorporated into the construction of buildings, to minimize the risk of salt damage.

Prior to the issue of an Occupation Certificate, documentary evidence shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

28. Environmental Report Certification

Prior to the issue of an Occupation Certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Fairfield City Council, stating that all works/methods/procedures/control measures/recommendations contained within the following documents and relevant to Stage 2 have been completed:

- Statement of Environmental Effects prepared by Urbis, Report No. SA3338.Stage 2 SEE, dated February 2010.
- Environmental Assessment Report (EAR) prepared by Urbis, Job No. SA3338, Report No. Concept Plan and Project Application.v12a, dated November 2007.
- Preferred Project Report (PPR) prepared by Urbis, Job No. SA3338, Report No. SA333.PPR-050608 Final, dated 5 June 2008 and the Revised Statement of Commitments dated November 2008.
- Bonnyrigg Masterplan prepared by Urbis, dated September 2008.
- Amended Voluntary Planning Agreement (VPA), dated July 2008.
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- Transport Management and Accessibility Plan (TMAP) prepared by SKM, Final Report, dated 28 October 2008.

- Stage 2 Environment and Construction Management Plan prepared by Hughes Trueman, Revision 4, dated 13 April 2010.
- Water Cycle Management Report prepared by Hughes Trueman, Revision C, dated 5 August 2008.
- Stage 2 Stormwater Design prepared by Hughes Trueman, Revision C, dated 29 January 2010.
- Remedial Action Plan prepared by JBS Environmental Pty Ltd, Report No. JBS 40756-14105 (Rev 0), dated January 2010.

29. **Registration of Easements and Covenants**

Prior to the issue of the Final Occupation Certificate, proof of the creation of reciprocal easements and positive covenants to drain water and maintain gutters, downpipes and stormwater lines shall be submitted to the Principal Certifying Authority, for proposed lots where the roof storm water encroaches an adjoining property.

The terms of the easement and the positive covenant shall be as follows:

Terms of Easement

An easement to drain stormwater to permit the stormwater from the roof of the benefited lot across the roof, along the guttering and through the storm water pipes of the affected lot while the building erected on the benefited lot at the time of granting this easement shall remain on the lot benefited.

Terms of Positive covenant

The registered proprietor(s) of the burdened lots covenant with the Fairfield City Council that they will maintain and repair the structure and works on the land in accordance with the following terms and conditions:

- i. The registered proprietor(s) will:
 - (a) Keep the structure and works clean and free from silt, rubbish and debris;
 - (b) Maintain and repair at the sole expense of the registered proprietor(s) the whole of the structure and works so that it functions in a safe and efficient manner.
- ii. For the purpose of ensuring observance of the covenant, the Fairfield City Council may by its servants or agents at any reasonable time of the day upon giving to the person against whole the covenant is enforceable not less than two days notice (but at any time without notice in the case of an emergency) enter the land and view the condition of the land and the state of construction maintenance or repair of the structure and works on the land.

- iii. By written notice the Fairfield City Council may require the registered proprietor(s) to attend to any matter and to carry out such work within such time as the Fairfield City Council may require to ensure the proper and efficient performance of the structure and works and to the extent Section 88F(2)(a) of the Act is hereby agreed to be amended accordingly.
- iv. Pursuant to Section 88F(3) of the Act the authority shall have the following additional powers pursuant to this consent:
 - (a) in the event that the registered proprietor(s) fails to comply with the terms of any written notice issued by the Fairfield City Council as set out above the Fairfield City Council or its authorised agents may enter the land with all necessary equipment and carry out any work which the Fairfield City Council in its discretion considers reasonable to comply with the said notice referred to in 3 hereof;
 - (b) the Fairfield City Council may recover from the registered proprietor(s) in a Court of competent jurisdiction:
 - i. any expense reasonably incurred by it in exercising its powers under subparagraph (a) hereof. Such expense shall include reasonable wages for the Fairfield City Council's own employees engaged in effecting the said work, supervising the said work and administering the said work;
 - ii. legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to 88F of the Act, or providing any certificate required pursuant to Section 88G of the Act, or obtaining any injunction pursuant to Section 88H of the Act.
- v. This covenant shall bind all persons who claim under the registered proprietor(s) as stipulated in Section 88E(5) of the Act.

For the purposes of this covenant:

Structure and works shall mean the storm water drainage system constructed on the land including all roof gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to control storm water on the land.

Name of Authority having the power to release vary or modify the easements shall be Fairfield City Council.

30. **Certification for Drainage Works**

Prior to the issue of the Final Occupation Certificate, a certificate shall be submitted to the Principal Certifying Authority, Certifying that all drainage works have been completed in accordance with the approved engineering drawings/Works-As-Executed drawings.

31. Works on Adjacent Roads

Prior to the issue of the Final Occupation Certificate, the following works are to be completed:

- a. The footway adjacent to the development shall be regraded topsoiled and turfed in accordance with the approved levels.
- b. All redundant kerb laybacks shall be removed and replaced with the appropriate kerb and gutter or roll top gutter, in accordance with Fairfield City Council's specifications. Any redundant crossings shall be removed and the footpath topsoiled and turfed.
- c. The developer shall remove and replace all damaged or displaced path paving at no cost to Fairfield City Council.

All works to be carried out on adjacent lands under the control of Fairfield City Council, shall be in accordance with the standard requirements and specifications of Fairfield City Council.

32. Works-As-Executed Plans for Stormwater Drainage

Prior to the issue of the Final Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved shall be submitted to the Principal Certifying Authority.

33. Stormwater Drainage Easement

Prior to the issue of the Final Occupation Certificate, proof of the creation of an easement to drain water in favour of upstream properties over the interallotment drainage line shall be submitted to the Principal Certifying Authority.

34. Adjustments to Public Utilities

Prior to the issue of the Final Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Fairfield City Council.

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

35. Compliance with Construction Certificate

All building works approved in this development consent must comply with the terms of the consent the plans, specifications and any other approved documents relevant to the approved Construction Certificate.

36. Compliance with the Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
 - i. complies with the performance requirements; or
 - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
- c. a combination of (a) and (b).

37. Compliance with approved Waste Management Plan

The approved Waste Management Plan (Appendix A of Stage 2 Environment and Construction Management Plan prepared by Hughes Trueman, Revision 4, dated 13 April 2010) shall be adhered to throughout all stages of the demolition and/or construction process. Source separation of materials and maximum reuse and recycling of materials are requirements of Fairfield City Council's Waste Not DCP. The applicant is required to keep supporting documentation (receipts/dockets), of reuse/recycling/disposal methods carried out, which shall be produced upon request by Fairfield City Council.

In addition, the applicant is to supply Fairfield City Council with the name and address of the waste disposal facility where the fill materials will be disposed. The applicant must keep supporting documentation (dockets/receipts), which is to be produced upon request by Fairfield City Council.

38. Excavation and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

39. Retaining Walls

Where retaining walls are required as a result of cut and fill for the development, details of the retaining walls or other approved methods necessary to prevent soil movement, together with associated stormwater drainage measures shall be submitted to Fairfield City Council or Principal Certifying Authority.

40. Filling within a Building Envelope

Filling shall be sourced on-site and shall remain wholly within the confines of the external walls. Any fill imported into the site to fill within the building envelope must meet the criteria of "Virgin Excavated Natural Material" as defined in EPA

Environmental Guidelines – Assessment Classification and Management of Liquid and Non-Liquid Wastes 1999 and written verification provided to the satisfaction of the Principal Certifying Authority.

41. During Construction or Demolition

During the construction or demolition period the applicant must ensure that:

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition;
- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building work is to be carried out within the following hours.
 1. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work may be carried out on Sundays or public holidays.

42. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to the existing stormwater drainage system.

Note: Drainage lines across the footpath shall be of 75mm x 200mm galvanised R.H.S laid at a fall not exceeding 1:40 (A 100mm sewer grade pipe is an acceptable alternative for single lot residential applications).

Note: If a street outlet is required it shall be constructed using a 100mm x 50mm galvanised rectangular connector laid into the kerb with the invert of the converter to be 10mm above the invert of the gutter.

The complete roof guttering system must be operational as soon as the roof for each dwelling is clad. Surface stormwater shall not be directed or cause nuisance to adjoining properties.

43. Critical Stage Inspections

In accordance with Section 109E of the Environmental Planning and Assessment Act 1979 the Principal Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Section 109E (3) (d) Environmental Planning and Assessment Regulation 2000.

44. Tree Preservation Order

You are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside the building envelope unless you have obtained prior written consent from Fairfield City Council. Fines may be imposed if you contravene Fairfield City Council's Tree Preservation Order.

45. No Stopping

An application shall be submitted to Fairfield City Council's Built Systems Manager with regard to the installation of 'No Stopping' restrictions for the full frontage of the site along Edensor Road, between Melbourne Road and Bunker Parade. The 'No Stopping' restrictions shall apply on school days only, between the hours of 8.00am to 9.30am and 2.30pm to 4.00pm. All works shall be at no cost to Council.

46. Vehicular Crossings

All vehicular crossings shall be located a minimum of one (1) metre from any utility pole.

47. Gradient of Driveways

The gradient of proposed driveways shall comply with AS/NZS 2890.1:2004.

48. Switchboards

Switchboards for utilities must not be attached to the front elevations of the building(s).

49. Clothes Drying Areas

The clothes drying areas for the individual dwelling units shall be positioned and screened from public view.

50. Landscape Protection Works

Prior to the commencement of any construction works on site, the following works shall be undertaken to protect existing trees and other landscaping to be retained as part of the development. These works shall be consistent with any other requirements of the approved landscape plan:

- a. Isolate the root zone to the drip line (canopy line) of individual or groups of trees through the erection of a clearly marked fence, prior to land clearing or construction work.
- b. No dumping of materials, parking of vehicles, excavation or filling is to be permitted within the fenced root zone.
- c. Minimise soil disturbance in the surrounding area (to twice the canopy width).
- d. Where trenches for services cannot be laid outside the fenced zone, roots greater than 75mm wide in diameter are to be clean cut and treated with an approved hormone compound and sealed with bitumen.
- e. Tree guards, barriers or other measures as necessary are to be provided.

DRAFT CONDITIONS – SUBDIVISION

APPROVED PLANS AND REPORTS

51. Compliance with Plans

The development shall take place in accordance with the approved development plans prepared by Residential Logistics Pty Ltd, Reference No. ARC-RL-S02 – Subdivision Plan, Issue K, dated 29 September 2009, except as amended on the approved development plans and/or any conditions of this consent.

52. Environmental Reports Certification

Prior to the release of the Subdivision Certificate, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Fairfield City Council stating that all critical works, methods, procedures, control measures and recommendations relevant to Stage 2 within the following reports have been completed:

- Stage 2 Environment and Construction Management Plan prepared by Hughes Trueman, Revision 4, dated 13 April 2010.
- Water Cycle Management Report prepared by Hughes Trueman, Revision C, dated 5 August 2008.
- Stage 2 Stormwater Design prepared by Hughes Trueman, Revision C, dated 29 January 2010.
- Remedial Action Plan prepared by JBS Environmental Pty Ltd, Report No. JBS 40756-14105 (Rev 0), dated January 2010.

CONDITIONS ADVISING OF FEES AND CHARGES APPLICABLE TO THE SUBDIVISION.

The following conditions have been imposed to provide for various facilities and services required to meet the demands arising from the proposed subdivision.

53. Subdivision Certificate Release Fee

A Subdivision Certificate release fee shall be paid to Fairfield City Council, in accordance with the Annual Schedule of Fees and Charges.

CONDITIONS RELATING TO WORKS ASSOCIATED WITH THE SUBDIVISION

The following conditions have been imposed to ensure that adequate and safe public access is available to the subdivision for both pedestrian and vehicular traffic and that the subdivision will not have detrimental effects on the environment.

68. Satisfactory Access to all Lots

The provision of satisfactory access to all lots. In this regard, a vehicular layback, in accordance with Fairfield City Council's specification, is to be provided in the kerb adjacent to all proposed allotments.

69. Erosion and Sediment Control Plan

A detailed Erosion and Sediment Control Plan prepared in accordance with Fairfield City Council's policy for Urban Erosion and Sediment Control shall be issued with an Engineering Construction Certificate by an Accredited Certifier or by Fairfield City Council. The control measures detailed in the approved plan shall be implemented prior to commencement of any works, including stripping or clearing, on site.

70. Tree Preservation Order

No trees shall be pruned or removed without prior written consent from Fairfield City Council, and the provisions of Fairfield City Council's Tree Preservation Order.

71. Redundant Vehicular Layback

The redundant vehicular layback adjacent to the subject subdivision shall be removed and replaced with Fairfield City Council's standard kerb and gutter.

72. Kerb and Gutter Status Form

Prior to the commencement of any works on site, the applicant shall return the attached footpath/kerb and gutter form to Fairfield City Council detailing the existence of, and the condition of, any foot paving, and/or kerb and gutter provided adjoining the site for checking against Fairfield City Council's records. Damage to footpaths, kerbs, stormwater systems and general streetscape will require restoration at the developer's expense.

73. Site During Construction

Prior to the commencement of works, a sign must be erected in a prominent position on site during construction:

- a. Stating that unauthorised entry to the work site is prohibited;

- b. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours; and
- c. Showing the name, address and a telephone number of the Principal Certifying Authority for the development.

74. Works-As-Executed Drawings

Following completion of the works, the applicant shall submit a detailed Works-As-Executed drawing to the Principal Certifying Authority and to Fairfield City Council signed by a registered surveyor showing the finished surface levels of the access, inter-allotment drainage and any lot filling, carried out under this consent.

NOTE: Fairfield City Council will not accept Works-As-Executed plans with coloured highlighter markings on the plans. All dimensions and levels shall be handwritten in blue or red pen only.

75. Lot Filling

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300 mm rise in vertical height. The minimum compaction requirement is 95% standard compaction. Test sites shall be located randomly across the fill site with 1 test per 500 m² (minimum 1 test per 300 mm layer). A report from a suitably qualified Geotechnical Engineer shall be submitted in this regard.

76. Validation of Fill

Any fill imported to the site shall be validated in accordance with the EPA's Contaminated Sites Sampling Design guidelines 1995.

CONDITIONS RELATING TO THE PROVISION OF SERVICES TO THE SUBDIVISION.

The following conditions have been imposed to ensure that the subdivision is provided with adequate services.

77. Inter-Allotment Drainage Construction

Inter-allotment drainage shall be provided to all lots which do not wholly slope toward the street. Details of the proposed drainage works are to be issued with a Construction Certificate by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

78. Easements for all Services

Easements shall be created over all services and/or stormwater pipelines located within private property which service adjacent roads or properties.

79. Registered Surveyor Certification

Written confirmation shall be provided from a Registered Surveyor that easements have been created for all encroaching services connections, or alternatively that all services are contained wholly within their respective allotments.

80. Sydney Water Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act, 1994 must be obtained for the subdivision.

Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.

Following the application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority.

81. Integral Energy Notification of Arrangement

The submission of 'Notification of Arrangement' from Integral Energy stating that satisfactory arrangements have been made for the provision of underground low voltage electricity installation.

NOTE: The attached application form should be completed and submitted to The Project Manager, Integral Energy, Hoxton Park Road, Hoxton Park together with a set of plans detailing all engineering works to be constructed in association with the subdivision and a plan detailing the proposed lot dimensions.

NOTE: It is considered that the provision of natural gas services is desirable to new subdivisions and in this regard, the developer is requested to liaise with Jemena, Sydney (www.jemena.com.au).

82. Telecommunications Compliance Certificate

A Compliance Certificate from the relevant telecommunications carrier shall be submitted to the Principal Certifying Authority, as evidence that satisfactory arrangements have been made for all communications plant to be laid underground.

NOTE: For further enquiries regarding the issue of the Compliance Certificate, contact Telstra at postal address Locked Bag 5390 Parramatta NSW 2124.

NOTE: It is considered that the provision of natural gas services is desirable to new subdivisions and in this regard, the developer is requested to liaise with the Australian Gas Light Company, Sydney.

GENERAL CONDITIONS

The following conditions have been imposed to ensure that the subdivision does not prejudice the amenity of the local environment and/or to achieve the objectives of the relevant planning instruments and statutory authorities.

83. Easements for Support

Creation of suitable easements for support over all walls encroaching on adjoining properties in accordance with Section 181(b) of the Conveyancing Act, 1919.

85. Dedication of Road Splay

The dedication to the public as road on the final plan of subdivision at no cost to Fairfield City Council, of a 3m x 3m splay on the corner of the following intersections:

- Cnr of Reeves Crescent and Cronin Place adjacent to proposed lot 301.
- Cnr of Bunker Parade and Reeves Crescent adjacent to proposed lot 306.
- Cnr of Bunker Parade and Reeves Crescent adjacent to proposed Strata Lot 119.
- Cnr of Cronin Place and Reeves Crescent adjacent to proposed Strata Lot 229.
- Cnr of Bunker Parade and Reeves Crescent adjacent to proposed Strata Lot 317.

86. Easement for Access and Maintenance

An easement for access and maintenance shall be created for each Strata lot. The creation of an easement for access and maintenance shall be created in the following terms:

Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the lot benefited or any part thereof with which the right shall be capable of enjoyment, and every person authorised by that person to enter upon the lot burdened and to remain there for any reasonable time with any tools, implements or machinery necessary for the purpose of renewing, replacing, painting, repairing and maintaining the residence adjacent to the easement and to enter upon the lot burdened and to remain there for any reasonable time for the said purpose and the Registered Proprietor for the time being of the lot hereby burdened shall not erect or permit to be erected any building or other structure of any kind or description on or over the said easement with the exception of the eave and gutter of any main building erected on the subject lot and any underground utility services appurtenant to such main building.

Name of authority empowered to release, vary or modify the Restrictive covenant:

The Council of the City of Fairfield without the consent of any other person or persons provided that any such release, variation or modification shall, if approved be made and done in all respects at the cost and expense of the persons or persons requesting such release, variation or modification

87. Community Property – Lot 103

The proposed subdivision shall be undertaken using the Community Land Development Act 1989, to enable the creation of Community Property (Lot 1 - driveway).

88. Management Statement – For Lot 103

The management statement created in conjunction with the Community Title subdivision shall be submitted to and approved by Fairfield City Council prior to the release of the final plan of Subdivision.

The management statement shall include terms relating to the management, maintenance and appointment of any costs arising there from, for all community property.

89. Easement for Services, Maintenance Covenant

A Right of Carriageway, Maintenance Covenant and Easement for Services shall be created over proposed lots as appropriate.

90. Right-of-Carriageway – Maintenance and Repair

The creation of a Right-of-Carriageway (variable width) and Positive Covenant for maintenance and repair over proposed lots as appropriate in the following terms:

- (1) Full and free right for every person who is at any time entitled to an estate or interest in possession in the land identified in the abovementioned plan as a lot benefited or any part thereof with which the right shall be capable of enjoyment, and every person authorised by that person to go, pass and re-pass at all times and for all purposes with or without animals or vehicles or both to and from the said lot benefited or any part thereof, subject to the following provisions.
- (2) The proprietors of the lots hereby benefited shall at all times and from time to time maintain and repair without delay any part of any lot hereby burdened identified on the above mentioned plan as the site of the right of carriage way variable width and in respect of any part of any such lot hereby burdened on which any part of such right of carriage way variable width is constructed or located PROVIDED THAT all costs and expenses of such maintenance and repair shall be borne equally by the proprietors of the lots hereby benefited or

the proprietors of any part or parts thereof with which the right shall be capable of enjoyment.

- (3) The land to which the benefit of the positive covenant referred to in paragraph 2 hereof is appurtenant is any lot hereby burdened by the right of carriage way variable width identified in the abovementioned plan.
- (4) The land which is subject to the burden of the positive covenant referred to in paragraph 2 hereof is any lot hereby benefited by the right of carriage way variable width identified in the abovementioned plan.
- (5) If any dispute arises relating to the need to carry out any maintenance and repair pursuant to the positive covenant referred to in paragraph 2, including the nature of work or its reasonable cost, that dispute shall be determined by an arbitrator appointed by the proprietors under the Commercial Arbitration Act, 1984 whose determination shall be final and binding on all proprietors.
- (6) For the purposes of the positive covenant referred to in paragraph 2 hereof, unless inconsistent with the context:-

Maintain and repair includes in relation to the lots burdened, the maintenance, repair and replacement of any pavement, surface or finish to the site of the right of carriage way variable width together with any foundation to same and any gutters, drains, trenches, earth banks and kerbs forming part of the site of the right of carriage way variable width.

Proprietor includes the registered proprietor of any lot from time to time and all the heirs, executors, assigns and successors in title to any lot and where there are two or more registered proprietors of such lot the terms of the positive covenant shall bind all those registered proprietors jointly and severally.