



## Planning

19 April 2010

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Our ref: MP 06\_0046 MOD 2  
File: 10/06097-1

Alan Young  
City Manager  
Fairfield City Council  
PO Box 21  
Fairfield NSW 1860

Dear Mr Young

**Subject: Bonnyrigg Living Communities Project- Concept Plan and Stage 1– Modification of MP 06\_0046 MOD 2**

The above mentioned Section 75W Modification Application submitted by Becton Property Group Ltd has been granted conditional consent by the Director, Metropolitan Projects, as delegate of the Minister for Planning.

The consent is on the basis of the attached Modification of Major Project Approval. A copy of the Notice of Determination and consolidated consent is attached for your information.

If you have any enquiries about the determination notice, please do not hesitate to contact Kim Shaw on 02 9228 6263 or via e-mail at [kim.shaw@planning.nsw.gov.au](mailto:kim.shaw@planning.nsw.gov.au).

Yours sincerely

Michael Woodland  
**Director**  
**Metropolitan Projects**

## Modification of Major Project Approval

### Section 75W of the *Environmental Planning & Assessment Act 1979*

I, the Director, Metropolitan Projects, as delegate of the Minister for Planning, under Instrument of Delegation dated 25 January 2010, modify, under s.75W of the *Environmental Planning and Assessment Act 1979*, the Project approval referred to in Schedule 1 in the manner set out in Schedule 2.



Michael Woodland  
Director  
Metropolitan Projects

Dated this 19<sup>th</sup> day of APRIL 2010

MP 06\_0046 MOD 2

#### SCHEDULE 1

Approval for the redevelopment of Bonnyrigg Housing Estate (Concept Plan and Stage 1) for a residential development comprising:

A Concept Plan for:

- Demolition of existing dwellings in stages (excluding privately owned dwellings)
- Construction of approximately 2,332 dwellings in 18 stages over 13 years,
- Construction of new roads, with 50% of existing roads to be retained
- Provision of new infrastructure (including stormwater, sewer, recycled water, gas and electrical)
- Staged construction of a new community precinct comprising community, retail and commercial activities.
- Reconfiguration and upgrade of existing public open space.

Two project applications for :

- Subdivision 106 new lots in stage 1 with associated infrastructure.
- Construction of 106 new dwellings and associated infrastructure in stage 1, provision of new open space and facilities required for stage 1 of the proposal.

Project Application (MP 06\_0046) granted by the Minister for Planning on 12 January 2009 as modified by Modification Application MP 06\_0046 MOD 1 granted 7 September 2009.

## SCHEDULE 2

The above approval is modified as follows:

- (a) **Schedule 1, Condition A3 (1) and (2)(b) is amended by insertion of the words in bold as follows:**

**A3 Development in Accordance with Plans and Documentation**

- (1). The development will be carried out generally in accordance with the Environmental Assessment Report dated November 2007 (five volumes) and as amended by the Preferred Project Report dated June, 2007 detailed in the following table;

<i>Documentation</i>	<i>Consultant</i>	<i>Date</i>	<i>Submitted with EA / PPR / Post PPR</i>
<b>Concept Plan</b>			
Updated Master Plan ( <b>pages 9, 39, 43, 52, 53 and 150 as amended by Section 75W modification application 06_0046MOD2</b> )	Urbis	Sept 2008	Post PPR
Updated Concept Plan Maps	Urbis	3.06.08	PPR
Updated Community Renewal Services Plan	Urbis	9.05.08	PPR
Community Renewal Services Implementation Plan 2007-2010 (Final Draft)	Urbis	3.09.08	PPR
Submissions Response Table	Urbis	3.06.08	PPR
Updated Water Cycle Management Plan	Hughes Trueman	Aug 2008	Post PPR
Updated TMAP	SKM	30.04.08	PPR
Project Design Report	EDAW	Sept 2008	Post PPR
Updated Masterplan Infrastructure Report	Hughes Trueman	1.05.08	PPR
Updated Environment & Construction Management Plan	Hughes Trueman	1.05.08	PPR
Updated Subdivision Plans	Vince Morgan	3.06.08	PPR
Updated Economic Impact Assessment	Macroplan	26.04.08	PPR
Infrastructure Delivery Plan	Urbis	4.06.08	PPR
Quantity Surveyor Reports	WT Partnership		EA
Concept Plan Title Details	Vince Morgan		EA
Proposed Amendment to Fairfield Local Environmental Plan 1994 Clause 25H	Urbis		EA
Draft Bonnyrigg Town Centre and Residential Renewal Development Control Plan 2007	Urbis		EA
Compliance Assessment Table (Concept Plan and Stage 1 Project Application)	Urbis		EA
Bonnyrigg Focus Groups: Incoming Community Report	Urbis		EA
Social Infrastructure Needs Analysis	Urbis		EA
Demographic Report	Urbis		EA
Social Impact Assessment	Judith Stubbs		EA
Ecological Sustainable Development – Environmental Opportunities Report	Advanced Environmental		EA
Ecological Sustainable Development – Dwelling Design Report	Advanced Environmental		EA

Concept Plan Environmental Site Assessment	JBS		EA
Heritage Impact Assessment	John Oultram		EA
Community Consultation Report - Phase 1	Judith Stubbs		EA
Community Consultation Report - Phase 2	Judith Stubbs		EA
Peer Review of Social Impact Assessment	Urbis		EA
Peer Review of Urban Design	Annand Alcock		EA
Lighting Strategy	Vision		EA
Survey Plans	Vince Morgan		EA
Environmental Noise Assessment Report	Acoustic Logic		Post EA
<b>Stage 1 Project Application</b>			
Updated Stage 1 Architectural Plans	Billard-Leece	17.06.08	Post PPR
Updated Stage 1 Landscape Plans	EDAW	12.09.08	Post PPR
Updated Stage 1 Infrastructure Plans	Hughes-Trueman	18.09.08	Post PPR
Preliminary BASIX Certificates and Preliminary NatHERS Assessment	Advanced Environmental	26.05.08	PPR
Updated Subdivision Plans	Vince Morgan	3.06.08	PPR
Updated Stage 1 Environment & Construction Management Plan	Hughes-Trueman	1.05.08	PPR
Updated Stage 1 Infrastructure Report	Hughes-Trueman	Sept 2008	Post PPR
Updated Stage 1 CPTED Assessment	Urbis		PPR
Updated Stage 1 Compliance Assessment Table	Urbis/Billard-Leece	5.06.08	PPR
Updated Indicative Materials & Finishes Report	Rust	30.05.08	PPR
Stage 1 Environmental Site Assessment	JBS		EA

- (2) (b) Bonnyrigg Masterplan prepared by Urbis, dated September 2008 (pages 9, 39, 43, 52, 53 and 150 as amended by Section 75W modification application 06\_0046MOD2).

**END OF MODIFICATIONS TO MP 06\_0046 (MOD 2)**

## CONSOLIDATED CONSENT FOR INFORMATION

### NEWLEAF COMMUNITIES PROJECT BONNYRIGG CONCEPT PLAN & STAGE 1 PROJECT APPLICATION

MP06\_0046 MOD 2

#### SCHEDULE 1 – CONCEPT PLAN

##### PART A – CONCEPT PLAN APPROVAL

**A1**      *Table*

<b>Proponent:</b>	Bonnyrigg Partnerships (Level 6, 275 Kent Street, Sydney)
<b>Application made to:</b>	Minister for Planning
<b>Major Project Number:</b>	06_0046
<b>On land comprising:</b>	Bonnyrigg Housing Estate, being land bounded generally by Bonnyrigg avenue, Bonnyrigg public school, Bonnyrigg plaza, Elizabeth drive, Cabramatta road west, Humphries road and Edensor road (excluding privately owned lots located within the Estate)
<b>Local Government Area:</b>	Fairfield City Council
<b>Approval in summary for:</b>	<p>A Concept Plan for:</p> <ul style="list-style-type: none"><li>▪ Demolition of existing dwellings in stages (excluding privately owned dwellings)</li><li>▪ Construction of approximately 2,332 dwellings in 18 stages over 13 years,</li><li>▪ Construction of new roads, with 50% of existing roads to be retained</li><li>▪ Provision of new infrastructure (including stormwater, sewer, recycled water, gas and electrical)</li><li>▪ Staged construction of a new community precinct comprising community, retail and commercial activities.</li><li>▪ Reconfiguration and upgrade of existing public open space.</li></ul> <p>Two project applications for</p> <ul style="list-style-type: none"><li>▪ Subdivision 106 new lots in stage 1 with associated infrastructure.</li><li>▪ Construction of 106 new dwellings and associated infrastructure in stage 1, provision of new open space and facilities required for stage 1 of the proposal.</li></ul>
<b>Capital Investment Value:</b>	\$460 million

<b>Type of development:</b>	Concept approval under Part 3A of the Act
<b>Determination made on:</b>	
<b>Determination:</b>	Concept approval is granted subject to the modifications in the attached Schedule 2.
<b>Date of commencement of approval:</b>	This approval commences on the date of the Minister's approval.
<b>Date approval will lapse:</b>	20 years from the date of determination

## **A2      *Approval in detail***

Concept approval is only to the following development:

- (1). Demolition of existing dwellings in stages.
- (2). Retention of privately owned homes and approximately 50% of roads.
- (3). Allocation of land uses within the renewed estate.
- (4). Staged construction of approximately 2,330 dwellings in 18 stages over 13 years, including apartments, attached homes (in 2, 3, 4, 6 and 8-plex configurations) and detached homes, comprising private dwellings and public dwellings.
- (5). Staged construction of the Bonnyrigg Community Precinct comprising community, retail and commercial buildings and uses.
- (6). Reconfiguration and upgrade of existing public open space, including extensive landscaping and infrastructure to cater for a wide range different users and enhance safety and security.
- (7). Retention and upgrade of existing roads, construction of new roads and provision of a pedestrian and bicycle movement network.
- (8). Stormwater infrastructure works including water sensitive urban design measures to control the quantity and quality of stormwater, enhance the appearance of the site and provide passive recreation opportunities.
- (9). Retention, extension and upgrades of existing services infrastructure to maintain supply through construction and cater for the increased population.

## **A3      *Development in Accordance with Plans and Documentation***

- (1). The development will be carried out generally in accordance with the Environmental Assessment Report dated November 2007 (five volumes) and as amended by the Preferred Project Report dated June, 2007 detailed in the following table;

<b><i>Documentation</i></b>	<b><i>Consultant</i></b>	<b><i>Date</i></b>	<b><i>Submitted with EA / PPR / Post PPR</i></b>
<b><i>Concept Plan</i></b>			
Updated Master Plan ( <u>pages 9, 39, 43, 52, 53 and 150 as amended by Section 75W modification application 06_0046MOD2</u> ) [MP 06_0046 MOD 2 – 19.04.2010]	Urbis	Sept 2008	Post PPR
Updated Concept Plan Maps	Urbis	3.06.08	PPR
Updated Community Renewal Services Plan	Bonnyrigg Partnerships	9.05.08	PPR

Community Renewal Services Implementation Plan 2007-2010 (Final Draft)	Bonnyrigg Partnerships	3.09.08	PPR
Submissions Response Table	Urbis	3.06.08	PPR
Updated Water Cycle Management Plan	Hughes Trueman	Aug 2008	Post PPR
Updated TMAP	SKM	28.10.08	Post PPR
Project Design Report	EDAW	Sept 2008	Post PPR
Updated Masterplan Infrastructure Report	Hughes Trueman	1.05.08	PPR
Updated Environment & Construction Management Plan	Hughes Trueman	1.05.08	PPR
Updated Subdivision Plans	Vince Morgan	3.06.08	PPR
Updated Economic Impact Assessment	Macroplan	26.04.08	PPR
Infrastructure Delivery Plan	Bonnyrigg Partnerships & Urbis	4.06.08	PPR
Quantity Surveyor Reports	WT Partnership	24.10.08	Post PPR
Concept Plan Title Details	Vince Morgan		EA
Proposed Amendment to Fairfield Local Environmental Plan 1994 Clause 25H	Urbis		EA
Draft Bonnyrigg Town Centre and Residential Renewal Development Control Plan 2007	Urbis		EA
Compliance Assessment Table (Concept Plan and Stage 1 Project Application)	Urbis		EA
Bonnyrigg Focus Groups: Incoming Community Report	Urbis		EA
Social Infrastructure Needs Analysis	Urbis		EA
Demographic Report	Urbis		EA
Social Impact Assessment	Judith Stubbs		EA
Ecological Sustainable Development – Environmental Opportunities Report	Advanced Environmental		EA
Ecological Sustainable Development – Dwelling Design Report	Advanced Environmental		EA
Concept Plan Environmental Site Assessment	JBS		EA
Heritage Impact Assessment	John Oultram		EA
Community Consultation Report - Phase 1	Judith Stubbs		EA
Community Consultation Report - Phase 2	Judith Stubbs		EA
Peer Review of Social Impact Assessment	Urbis		EA
Peer Review of Urban Design	Annand Alcock		EA
Lighting Strategy	Vision		EA
Survey Plans	Vince Morgan		EA
Environmental Noise Assessment Report	Acoustic Logic		Post EA
<b>Stage 1 Project Application [MP 06_0046 MOD 1 – 07.09.2009]</b>			
Updated Stage 1 Architectural Plans	Billard Leece	17.06.08	Post PPR
Updated Stage 1 Landscape Plans	EDAW	12.09.08	Post PPR
Updated Stage 1 Infrastructure Plans	Hughes Trueman	18.09.08	Post PPR
Preliminary BASIX Certificates and Preliminary NatHERS Assessment	Advanced Environmental	26.05.08	PPR
Updated Subdivision Plans	Vince Morgan	3.06.08	PPR
Updated Stage 1 Environment & Construction	Hughes Trueman	1.05.08	PPR

Management Plan

Updated Stage 1 Infrastructure Report	Hughes Trueman	Sept 2008	Post PPR
Updated Stage 1 CPTED Assessment	Urbis		PPR
Updated Stage 1 Compliance Assessment Table	Urbis/Billard Leece	5.06.08	PPR
Updated Indicative Materials & Finishes Report	Rust	30.05.08	PPR
Stage 1 Environmental Site Assessment	JBS		EA

- (2) The development shall take place in accordance with the following plans and documentation (including any appendices therein) which are approved as part of the Concept Plan:
- (a) Environmental Assessment Report (EAR) prepared by Urbis, Job No. SA3338, Report No. Concept Plan and Project Application.v12a, dated November 2007;
  - (b) Bonnyrigg Masterplan prepared by Urbis, dated September 2008 (**pages 9, 39, 43, 52, 53 and 150 as amended by Section 75W modification application 06\_0046MOD2**). [MP 06\_0046 MOD 2 – 19.04.2010]
  - (c) Amended Voluntary Planning Agreement (VPA), dated July 2008;
  - (d) Bonnyrigg Infrastructure and Services Delivery Plan prepared by Bonyrigg Partnerships, Job Code SA3338, Report No. Bonnyrigg Infrastructure and Services Delivery Plan – 180608 – Final, dated June 2008;
  - (e) Water Cycle Management Report prepared by Hughes Trueman, Revision C; dated 5 August 2008;
  - (f) Transport Management and Accessibility Plan (TMAP) prepared by SKM, Final Report, dated 28 October 2008;
  - (g) Stage 1 Infrastructure Report prepared by Hughes Trueman, Revision 5, dated 17 September 2008;
  - (h) Project Design Report prepared by EDAW, Project No. 07502505.01, Issue E, dated September 2008;
  - (i) Stage 1 Environment and Construction and Management Plan prepared by Hughes Trueman, Revision 5, dated 4 September 2008; and
  - (j) Preliminary Environmental Site Assessment prepared by JBS Environmental Pty Ltd, Job No. JBS 40266-11664, dated September 2007.
- (3). The following Preferred Project Report and revised Statement of Commitments are approved:
- (a) *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.
- (4). In the event of any inconsistencies,
- (a) the preferred project report and revised Statement of Commitment in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1), and
  - (b) the modifications of the Concept Plan approval identified in Schedule 2 prevail over the documentation listed in (1) and (2) above



## PART B – NOTES RELATING TO THE APPROVAL

### ***Responsibility for other approvals / agreements***

The Applicant is solely responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

### ***Appeals***

The Proponent(s) has the right to appeal to the Land and Environment Court in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid within 3 months after the date on which the Proponent(s) received this notice.

### ***Appeals—Third Party***

A third party right to appeal to this development consent is available under Section 123, subject to any other relevant provisions, of the *Environmental Planning and Assessment Act, 1979*.

### ***Legal notices***

Any advice or notice to the consent authority shall be served on the Director-General.

### ***Notes***

Notes included in this approval do not form part of this approval.

## PART C — DEFINITIONS

In this approval the following definitions apply:

**Act** means the Environmental Planning and Assessment Act, 1979 (as amended).

**Council** means Fairfield City Council.

**DECC** means the Department of Environment and Climate Change

**Department** means the Department of Planning or its successors.

**Director-General** means the Director-General of the Department

**Minister** means the Minister administering the Act.

**Project** means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

**Proponent** means the person(s) identified in Part A proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the Proponent(s).

**Regulations** means the Environmental Planning and Assessment Regulations, 2000 (as amended).

**RFS** means the NSW Rural Fire Service

**RTA** means the Roads and Traffic Authority.

**Subject Site** has the same meaning as the land identified in Part A of this schedule to which the Concept Plan applies.

## SCHEDULE 2 – MODIFICATIONS TO THE CONCEPT PLAN (MP 06\_0046)

### PART A – DEPARTMENT OF PLANNING'S MODIFICATIONS TO THE CONCEPT PLAN APPROVAL

#### **A1 Voluntary Planning Agreement and ongoing Consultation**

- (1). It is a condition of this approval that the proponent must comply with the provisions of the Planning Agreement entered into with Fairfield City Council under Subdivision 2 of Division 6 of Part 4 of the Environmental Planning & Assessment Act, 1979 (NSW) which relates to the project which is the subject of this approval
- (2). The proponent shall continue to liaise with Council during the development process.
- (3). The proponent shall continue to liaise with the local community during the development process.

#### **A2 BASIX**

The proponent shall meet all obligations regarding BASIX requirements for all stages of development ~~including the installation of the reticulated water recycling system~~ and in accordance with the Revised Statement of Commitments dated November 2008. [MP 06\_0046 MOD 1 – 07.09.2009]

#### **A3 Environmental**

- (1). The proponent shall submit a detailed contamination assessment in accordance with ANZECC/NHNRC and DECC Guidelines for Contaminated Site Series for each stage of development.
- (2). The proponent shall comply with the recommendations of the Environmental Noise Acoustic Assessment prepared by Acoustic Logic, including construction of a 3 metre high sound wall prior to the commencement of any stages that adjoin the Elizabeth Drive frontage and compliance with relevant glazing requirements as per Tables 5 and 6. Full details of noise walls to be provided with the application for the relevant stage(s). An addendum or written certification shall be submitted for all stages adjoining Elizabeth Drive frontage that all recommendations of the Environmental Noise Acoustic Assessment prepared by Acoustic Logic are relevant and necessary to ensure that appropriate levels of acoustic amenity have been met..
- (3). All site management and construction works shall be undertaken in accordance with the Masterplan Environment and Construction Management Plan dated 01.05.08 prepared by Hughes Trueman. This plan shall be updated and submitted to Council for assessment at each stage of development. This plan shall also include specific measures to be undertaken regarding existing residents to remain on the Estate (including private residences to be retained within the particular stage and all residents within adjoining stages) with respect to construction noise, access arrangements, security measures amongst other measures to be undertaken to ensure impacts are minimised.

#### **A4 Social Impacts**

- (1). The Rehousing Services plan prepared by Bonnyrigg Partnerships dated 24 November 2007 shall be fully implemented throughout all stages of the project or shall be implemented in amended form subject to agreement between Housing NSW and Bonnyrigg Partnerships.
- (2). The Community Renewal Implementation Plan prepared by Bonnyrigg Partnerships dated 9 May 2008 shall be updated annually in liaison with Housing NSW to address the Community Renewal Services Plan and Social Impact Assessment Key Findings and the achievements and barriers to the renewal project. A copy of the updated Plan shall be forwarded to Council following its approval by Housing NSW.
- (3). The proponent shall submit a revised Community Renewal Services Plan and accompanying implementation plan, which is to be updated on an annual basis in accordance with condition A6(2) shall address the following;

- (a) Undertake a Social Impact Assessment for the Aboriginal Community with mitigation strategies included in all future plans.
- (b) Develop mitigation strategies and programs to ensure maximum use of open space and promotion of healthy living for residents within the estate. Mitigation strategies to be included in all future plans.
- (c) Development of agreed employment targets for Bonnyrigg.
- (d) Mitigation strategies to be developed for children and families to minimise potential negative impacts from the redevelopment. Mitigation strategies to be included in all future plans.
- (e) Review the Re-housing Strategy to limit the number of empty dwellings prior to demolition within each stage of development.
- (f) Evaluation and monitoring strategy to be updated to include The Premier's Council for Active Living's participation in the ongoing monitoring and evaluation strategies for the renewal project. This shall be linked to the mitigation strategies and programs to be developed for use of open space and promotion of healthy living measures.

#### **A5 Open Space Provision**

Each ground level dwelling shall be provided with an area of private open space with a minimum dimension of 4 metres and a minimum area of 18 sqm.

#### **A6 Residential Amenity and Urban Design**

- (1). Steele Place shall be retained as a cul-de-sac and the concept plan amended accordingly;
- (2). The amenities building located within proposed Park 2 shall be relocated further west of the park so that residents along Louise Place have better sight lines over the park;
- (3). ~~A covenant shall be imposed on leases for social housing and on title for private dwellings that no air-conditioning units shall be attached to the front facade of the buildings.~~

**A covenant shall be imposed on leases for social housing and on title for private dwellings that air conditioning units must not be attached to the front elevations of the building(s) unless no alternative is available (e.g. an attached 4-plex dwelling which adjoins the intersection of two streets), in which case, the air conditioning unit is to be positioned in an unobtrusive location. [MP 06\_0046 MOD 1 – 07.09.2009]**

### **PART B – FUTURE ASSESSMENT REQUIREMENTS (PURSUANT TO SECTION 75P(1)(A) OF THE ACT, THE FOLLOWING FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS APPLY.**

#### **B1 Traffic and Parking**

- (1). The following conditions stipulated by the Roads and Traffic Authority shall be undertaken as follows;
  - (a) The RTA requires the submission of a revised Paramics model incorporating amended parameters as agreed by the RTA.
  - (b) The submission of a revised SIDRA analysis for the intersections impacted by the proposed development using an average growth rate of 1.25%
  - (c) On the submission and acceptance of the revised Paramics model and SIDRA analysis, the RTA will assess the suitability of the proposed intersection improvements
  - (d) The submission of a demolition and traffic management plan detailing vehicle construction routes, number of trucks, hours of operation, access arrangements and traffic control to be submitted to Council, for approval, prior to the issue of a construction certificate for each stage of development.
- (2). A parking analysis and needs assessment shall be prepared and submitted to Fairfield City Council with each new stage of the development proposed to determine whether parking provided in the overall completed and occupied stages of development has met the anticipated demand. This will require parking surveys to be conducted on the developed and occupied stages of the development. Should the analysis reveal insufficient parking has been provided, parking controls within the Bonnyrigg Masterplan shall be amended to reflect the

findings of the parking analysis and therefore better reflect the likely parking demand for the remainder of the estate. This assessment shall also examine the effectiveness of the road system in terms of service vehicles being able to adequately traverse and manoeuvre through the site in a satisfactory manner for each developed and occupied stage of development.

- (3) The proponent shall undertake further investigations for relevant stages of the project to assess appropriateness of direct vehicular access for properties located within close proximity of signalised intersections and whether such access should be restricted to left-in left-out movements.
- (4) The proponent shall undertake and complete additional traffic modelling in respect of travel time validation and SIDRA analysis, and shall, on the basis of the required modelling, negotiate a final agreement as to the apportionment of costs of land acquisition and intersection upgrade works with the Road Traffic Authority prior to the commencement of construction of any dwellings in Stage 8 of the Concept plan. Evidence of the required agreement shall be provided to the PCA prior to the issue of any construction certificate for Stage 8 works.

## **B2 Drainage**

You are advised that future stages within the development shall demonstrate that all drainage and stormwater issues address the following:

### **(1) Drainage - Stormwater Details**

~~More details in relation to the detention basins to be constructed in Stages 3 and 16 will need to be provided with the applications for those stages. The eastern catchment basin, to be built in Stage 3, for instance, is not within the land covered with the redevelopment and will need to be negotiated and agreed upon with Council. Dependant upon the outcome of these negotiations and the location further and more detailed plans will be required for the approval and construction.~~

**The detention basins in Stages 3 and 16 are to be provided in accordance with the infrastructure Services Delivery Plan that forms part of the Voluntary Planning Agreement. Detailed plans are to be provided with the development applications for those stages. [MP 06\_0046 MOD 1 – 07.09.2009]**

### **(2) Stormwater Drainage Disposal**

- a. Satisfactory arrangements have been made for the disposal of stormwater;
- b. 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;
- c. The piped drainage system has been designed to an Average Recurrence Interval of not less than 5 / 20 / 100 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.

(3) On-site Detention Design

The applicant is advised that for future stages of the development prior to the issue of a construction certificate, a certificate shall be submitted to the Certifying Authority certifying that the drainage system has been designed to comply with Council's Urban Area On-Site Detention Handbook – February 2007 and Hughes Trueman's Water Cycle Report and to restrict the total discharge from site to current site discharge for all storms up to and including the 100 year storm events

Note: If Council is requested to issue the construction certificate, three copies of the plans and specifications giving full details of the design and calculations in the form of ILSAX/DRAINS input and output files and details as specified in Council's OSD handbook shall be submitted to the Council.

Note: Where Fairfield City Council is nominated to issue a construction certificate for on site detention, the following details will be required:

- b) Full details, as per Council's On Site Detention Handbook, 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.
- c). 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 regrading 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.

**B3 Landscaping**

The Tree Assessment Report prepared for the proposal shall be updated for each stage of development. This shall also include the existing and proposed tree canopy coverage.

**B4 Economic impacts**

The proponent shall prepare an economic impact assessment for the community precinct centre at the proposed stage of development. This assessment shall also include an assessment on the impact to all surrounding centres.

### SCHEDULE 3 – PROJECT APPLICATION – STAGE 1 SUBDIVISION (MP 06\_0046)

#### PART A – PROJECT APPROVAL

##### A1 Table

<b>Proponent:</b>	Bonnyrigg Partnerships (Level 6, 275 Kent Street, Sydney)
<b>Application made to:</b>	Minister for Planning
<b>Major Project Number:</b>	06_0046
<b>On land comprising:</b>	Bonnyrigg Housing Estate, being land bounded generally by Bonnyrigg avenue, Bonnyrigg public school, Bonnyrigg plaza, Elizabeth drive, Cabramatta road west, Humphries road and Edensor road (excluding privately owned lots located within the Estate)
<b>Local Government Area:</b>	Fairfield City Council
<b>Approval in summary for:</b>	A Project Application for a 106 lot residential subdivision
<b>Capital Investment Value:</b>	
<b>Type of development:</b>	Concept approval under Part 3A of the Act
<b>Determination made on:</b>	
<b>Determination:</b>	Concept approval is granted subject to the modifications in the attached Schedule 4.
<b>Date of commencement of approval:</b>	This approval commences on the date of the Minister's approval.
<b>Date approval will lapse:</b>	5 years from the date of determination

##### A2 Approval in detail

Development approval is granted only to carrying out the development described in detail below:

- (a) Creation of 106 Torrens Title lots, including eighty-four (84) standard residential lots and twenty-two (22) strata and stratum title lots; and
- (b) Upgrading of existing roads and construction of new road layout.

**A3 Development in Accordance with Plans and Documentation**

- (1). The development shall take place in accordance with the following plans:

<b>Subdivision Plans prepared Vince Morgan Surveyors</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
15785-P6 Sheet 1 of 1		Subdivision Plan	03.06.08
<b>Civil Plans Project No 06P310-01 prepared by Hughes Trueman</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DAC01	D	Cover Sheet	26.05.08
DAC02	D	General Arrangement Plan	26.05.08
DAC03	D	Notes and Legends	26.05.08
DAC04	D	Roadworks and Grading Plan Sheet 1 of 11	18.09.08
DAC05	E	Roadworks and Grading Plan Sheet 2 of 11	18.09.08
DAC06	E	Roadworks and Grading Plan Sheet 3 of 11	05.08.08
DAC07	F	Roadworks and Grading Plan Sheet 4 of 11	18.09.08
DAC08	D	Roadworks and Grading Plan Sheet 5 of 11	26.05.08
DAC09	E	Roadworks and Grading Plan Sheet 6 of 11	18.09.08
DAC10	D	Roadworks and Grading Plan Sheet 7 of 11	26.05.08
DAC11	D	Roadworks and Grading Plan Sheet 8 of 11	26.05.08
DAC12	D	Roadworks and Grading Plan Sheet 9 of 11	26.05.08
DAC13	D	Roadworks and Grading Plan Sheet 10 of 11	26.05.08
DAC14	D	Roadworks and Grading Plan Sheet 11 of 11	26.05.08
DAC15	D	Typical Road Cross Sections	26.05.08
DAC16	D	Erosion and Sediment Control Plan Sheet 1 of 3	26.05.08
DAC17	D	Erosion and Sediment Control Plan Sheet 2 of 3	26.05.08
DAC18	D	Erosion and Sediment Control Plan Sheet 3 of 3	26.05.08
DAC19	D	Erosion and Sediment Control Notes and Details	26.05.08
DAC30	C	Proposed Detention Basin Section	05.08.08

except as modified in red by Council and/or any conditions of this consent.

- (2). The development shall take place in accordance with the following plans and documentation (including any appendices therein) which are approved as part of the Concept Plan
- (a) Environmental Assessment Report (EAR) prepared by Urbis, Job No. SA3338, Report No. Concept Plan and Project Application.v12a, dated November 2007;
  - (b) Bonnyrigg Masterplan prepared by Urbis, dated September 2008;
  - (c) Amended Voluntary Planning Agreement (VPA), dated July 2008;

- (d) Bonnyrigg Infrastructure and Services Delivery Plan prepared by Bonnyrigg Partnerships, Job Code SA3338, Report No. Bonnyrigg Infrastructure and Services Delivery Plan – 180608 – Final, dated June 2008;
  - (e) Water Cycle Management Report prepared by Hughes Trueman, Revision C, dated 5 August 2008;
  - (f) Transport Management and Accessibility Plan (TMAP) prepared by SKM, Final Report, dated 28 October 2008;
  - (g) Stage 1 Infrastructure Report prepared by Hughes Trueman, Revision 5, dated 17 September 2008;
  - (h) Project Design Report prepared by EDAW, Project No. 07502505.01, Issue E, dated September 2008;
  - (i) Stage 1 Environment and Construction and Management Plan prepared by Hughes Trueman, Revision 5, dated 4 September 2008; and
  - (j) Preliminary Environmental Site Assessment prepared by JBS Environmental Pty Ltd, Job No. JBS 40266-11664, dated September 2007.
- (3). The following Preferred Project Report and revised Statement of Commitments are approved:
- (a) *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.
- (4). In the event of any inconsistencies,
- (c) the preferred project report and revised Statement of Commitment in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1), and
  - (d) the conditions of the Project Application approval identified in Schedule 4 prevail over the documentation listed in (1) and (2) above

## **PART B – NOTES RELATING TO THE APPROVAL**

### ***Responsibility for other approvals / agreements***

The Applicant is solely responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

### ***Appeals***

The Proponent(s) has the right to appeal to the Land and Environment Court in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid within 3 months after the date on which the Proponent(s) received this notice.

### ***Appeals—Third Party***

A third party right to appeal to this development consent is available under Section 123, subject to any other relevant provisions, of the *Environmental Planning and Assessment Act, 1979*.

### ***Legal notices***

Any advice or notice to the consent authority shall be served on the Director-General.

### ***Notes***

Notes included in this approval do not form part of this approval.



## **PART C — DEFINITIONS**

In this approval the following definitions apply:

**Act** means the Environmental Planning and Assessment Act, 1979 (as amended).

**Council** means Fairfield City Council.

**Department** means the Department of Planning or its successors.

**Director-General** means the Director-General of the Department

**Minister** means the Minister administering the Act.

**Project** means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

**Proponent** means the person(s) identified in Part A proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the Proponent(s).

**Regulations means** the Environmental Planning and Assessment Regulations, 2000 (as amended).

**RTA** means the Roads and Traffic Authority.

**Subject Site** has the same meaning as the land identified in Part A of this schedule to which the Concept Plan applies.

## **SCHEDULE 4 – CONDITIONS TO THE PROJECT APPLICATION - SUBDIVISION (MP 06\_0046)**

### **PART A – CONDITIONS OF APPROVAL**

#### **A1 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.

**(1). Engineering Works Inspection Fee**

The payment to Council of an engineering works inspection fee (if Council is the Principal Certifying Authority). The value of this fee will be determined in accordance with Council's Schedule of Fees and Charges with inspections being carried out in accordance with Council's Specification for Roadwork and Drainage associated with Subdivision or other Development. This fee will need to be paid prior to release of the Subdivision Certificate.

**(2). Maintenance Bond**

Maintenance Bonds shall be in accordance with the Voluntary Planning Agreement dated July 2008.

**(3). Subdivision Certificate Release Fee**

~~Prior to the release of the Subdivision Certificate, a release fee shall be paid to Fairfield City Council, in accordance with Council's Annual Schedule of Fees and Charges. Please note that this fee is subject to review each financial year. The value of this fee will be reviewed by Council in accordance with the rates listed in Council's Annual Schedule of Fees and Charges following compliance with the conditions of approval and the submission of the Subdivision Certificate.~~

~~At the time of issuing this consent, the fee is \$8844 for Stage 1. [MP 06\_0046 MOD 1 – 07.09.2009]~~

### **PART B: 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.

#### **B1. 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/recommendations relevant to the stage 1 Project Application within the following reports have been completed:

- (a) Water Cycle Management Report prepared by Hughes Trueman, Revision C, dated 5 August 2008;
- (b) Stage 1 Environment and Construction and Management Plan prepared by Hughes Trueman, Revision 5, dated 4 September 2008; and
- (c) Preliminary Environmental Site Assessment prepared by JBS Environmental Pty Ltd, Job No. JBS 40266-11664, dated September 2007.

**B2. Satisfactory Access to all Lots**

Satisfactory access shall be provided to all lots. In this regard, except where rolled kerb and gutter is to be retained, a vehicle layback, in accordance with Council's specifications shall be provided in the kerb adjacent to all proposed allotments.

**B3. 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 m<sup>2</sup> (minimum 1 test per 300 mm layer). A report from a suitably qualified Geotechnical Engineer shall be submitted in this regard.~~

**Any Lot filling operations are to be carried out in accordance with AS3798- Guidelines for Commercial and Residential Developments. [MP 06\_0046 MOD 1 – 07.09.2009]**

**B4. Validation of Fill**

Any fill imported to the site shall either be Virgin Excavated Natural materials (VENM), as defined under the Protection of the Environment Act 1997, or materials shall otherwise be exempt of the waste regulatory framework under the protection of the Environment Operations (Waste) Regulation 2005. Details of compliance shall be submitted to Council prior to the issue of the Subdivision Certificate.

**B5. Erosion and Sediment Control Plan**

A detailed Erosion and Sediment Control Plan prepared in accordance with Council's Policy for Urban Erosion and Sediment Control shall be submitted to the Principal Certifying Authority and issued with the Engineering Construction Certificate. The control measures detailed in the approved plan shall be implemented prior to the commencement of any works, including stripping or clearing on site.

**B6. Traffic Management Plan**

A detailed Traffic Management Plan prepared by an appropriately qualified consultant shall be submitted to the Principal Certifying Authority and issued with the Engineering Construction Certificate. The Traffic Management Plan shall include the relocation of the existing bus zone on Edensor Road, adjacent to the proposed intersection with Bunker Parade. In this regard, an application shall to be made to Council's Manager Built Environment for this relocation. The Traffic Management Plan shall be implemented prior to issue of the Subdivision Certificate.

**B7. Tree Preservation Order**

No trees shall be pruned or removed without prior written consent in the form of a Tree Preservation Order from Fairfield City Council unless otherwise approved for removal by this consent.

**B8. Alignment of Roadway**

The alignment of Reeves Crescent, Badgery Way, Road No 5, Road No 9, Bunker Parade, Driver Place and Deakin Place shall be in accordance with the Engineering Construction Certificate issued by an Accredited Certifier or by Fairfield City Council.

**B9. Construction of Roadway**

The full width of Reeves Crescent, Badgery Way, Road No. 5, Road No. 9, Bunker Parade, Driver Place and Deakin Place adjacent to the proposed allotments shall be constructed. The defined accessways (Road No. 7 & 9) shall have traffic management controls to limit the speed of vehicles involved in the construction. The construction of all roads is to be in accordance with plans and specifications of the Engineering Construction Certificate.

**B10. Dedication of Roadway**

The Applicant shall dedicate Reeves Crescent, Badgery Way, Road No. 5, Road No. 9, Bunker Parade, Driver Place and Deakin Place to the public as road, ~~at no cost to Council~~ in accordance with the voluntary planning agreement. [MP 06\_0046 MOD 1 – 07.09.2009]

**B11. Road Construction Plans**

Road construction shall not commence until the plans and specifications giving full details of the proposed road construction have been issued with the Engineering Construction Certificate. All road and drainage works shall be designed in accordance with Council's Stormwater Drainage Policy, September 2002 and Specification for Roadwork & Drainage Associated with Subdivision or other Developments.

**B12. Redundant Vehicular Layback**

Any redundant vehicular laybacks adjacent to the subject subdivision shall be removed and replaced with kerb and gutter to match the adjacent kerb and gutter.

**B13. 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 Council detailing the existence of, and the condition of, any foot paving, and/or kerb and gutter provided adjoining the site for checking against Council's records. Damage to footpaths, kerbs, stormwater systems and general streetscape will require restoration at the developer's expense.

**B14. 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.

**NOTE:** A \$600 on the spot fine may be issued for non-compliance with this condition.

**B15. Works as Executed Drawings**

Following completion of the works, the Applicant shall provide a detailed 'Works-as-Executed' plan signed by a registered surveyor showing the finished surface levels of the access, road shoulder, driveway, inter-allotment drainage and any lot filling carried out under this consent.

**NOTE:** Council will not accept 'Works-as-Executed' plans with coloured highlighter markings on the plans. All dimensions and levels are to be handwritten in blue or red pen only.

## **PART C - 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.

### **C1. 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 the Construction Certificate prior to the commencement of works on site.

### **C2. Water Recycling Infrastructure**

All water recycling infrastructure for Stage 1 shall be constructed in accordance with the Stage 1 Infrastructure Report prepared by Hughes Trueman, Revision 5, dated 17 September 2008 and approved by Sydney Water or an alternative licensed service provider. In this regard, a dual water system shall be provided to all Lots.

Until such time as the recycled water supply becomes available, the potable water supply shall be used for the purpose of all water needs. However, as soon as the recycled water supply becomes available, this infrastructure shall be connected and utilised (i.e. dual system of potable water for drinking and water recycling purposes as outlined in the abovementioned report).

### **C3. Sydney Water Compliance Certificate**

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

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](http://www.sydneywater.com.au/customer/urban/index) or telephone 13 20 92.

Following 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 prior to release of the linen plan.

### **C4. Integral Energy Notification of Arrangement**

A 'Notification of Arrangements' from Integral Energy stating shall be obtained 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 the Australian Gas Light Company, Sydney.

### **C5. Telecommunications Compliance Certificate**

The submission of a Compliance Certificate from a Telecommunications carrier 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.

## **PART D - 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.

### ***D1. Dedication of Road Splay***

The Applicant shall dedicate a 3m x 3m splay to the public as road on the corners of the following streets, at no cost to Council:

- Reeves Crescent and Deakin Place (adjacent to Lot 802)
- Reeves Crescent and Driver Place (adjacent to Lots 903 and 1902)
- Reeves Crescent and Road 5 (adjacent to Lots 2002 and 2903)
- Driver Place and Road No 7 (Adjacent to Lots 1101, 1102 and 1503)
- Driver Place and Road No 9 (Adjacent to Lots 2701, 2702 and 2602)
- Bunker Parade and Driver Place (Adjacent to Lots 1504 and 1601)
- Bunker Parade and Road 5 (Adjacent to Lots 2501 And 2601)
- Bunker Parade and Badgery Way (Adjacent to Lots 3801 and 3901)
- Road No 9 and Road 5 (Adjacent to Lots 2701, 2702 and 2602)
- Badgery Way and Road 9 (Adjacent to Lots 3501, 3801, 4001 and 3902)
- Badgery Way and Reeves Crescent (Adjacent to Lot 30)

### ***D2. Decorative Fencing***

A decorative fence shall be erected along the eastern boundary of proposed Lots 401 and 404 (in accordance with the fencing strategy and landscape plans prepared for the proposal)..

### ***D3. Restrictive Covenant – No Vehicular Access***

A restrictive covenant shall be created over Lots 401 and 401 stating that there shall be no vehicular access to or from Edensor Road.

### ***D4. Easements for all Services***

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

### ***D5. Easement for Access and Maintenance***

An Easement for Access and Maintenance shall be created for each of the Stratum lots, as appropriate.

The creation of an Easement for Access and Maintenance shall be created in the following terms:-

"The 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 authorized by him from the time and at all times 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 person 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 of modification shall, if approved, be made and done in all respects at the cost and expense of the person or persons requesting such release, variation or modification."

**D6. Easements for Support**

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

**D7. Restriction on Use and Positive Covenant – Overland Flow**

A Restriction on Use and Positive Covenant shall be created over the proposed lots in the location of the overland flow path, in accordance with the Water Cycle Management Report prepared by Hughes Trueman, Revision C, dated 5 August 2008, in the following terms:

Restrictive Covenant

- (1) The proprietor of the burdened lot shall not:-
  - (a) Erect, construct or place any building or other structure,
  - (b) Make alterations to the ground surface levels, kerbs, driveways or any other structure,

Within the land so burdened without the prior written consent of Fairfield City Council.

- (2) No fencing, including boundary fencing shall be erected within the land hereby burdened unless such fencing is of an open style which will not obstruct the flow of water across the land.

Positive Covenant

- (1) The proprietor of the burdened lot from time to time shall do all things necessary to maintain, repair and replace the stormwater overland flowpath within the land so burdened to the satisfaction of Fairfield City Council and in this regard must comply with any written request of the Council with such reasonable time period as nominated in the said written request.
- (2) Where the proprietor of the burdened lot fails to comply with any written request of the Fairfield City Council referred to in (1) above the proprietor shall meet any reasonable cost incurred by the Council in completing the work requested.
- (3) Full and free right for the Fairfield City Council and every person authorised by it to enter upon the burdened lot in order to inspect, maintain, cleanse, replace, repair any pipeline, grate, pit, other structure or alter surface levels to ensure the maintenance of the overland flowpath within the land so burdened.

Authority with the right to release, vary or modify restrictive and positive covenants is Fairfield City Council.

**D8. Restriction on Use – 100 year Flood Level**

Pursuant to Section 88 of the Conveyancing Act 1919, a Restriction on Use stating that the Designated Floor Level for habitable development shall be at least 0.5m above the 100 year flood level shall be created over those proposed lots defined by the Water Cycle Management Report prepared by Hughes Trueman, Revision C, dated 5 August 2008, ~~as being within the effect of the 100 year flood level~~. Those lots which are directly affected include, but are not limited to, proposed Lots 2, 101, 102, 103, 1201, 1202, 1203, 1301, 1302, 14, 1601, 1602, 2501, 2601, and 2602. [MP 06\_0046 MOD 1 – 07.09.2009]

**D9. Registered Surveyor Certification**

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



## SCHEDULE 5 – PROJECT APPLICATION – STAGE 1 DWELLING CONSTRUCTION (MP 06\_0046)

### PART A – PROJECT APPROVAL

#### A1 Table

<b>Proponent:</b>	Bonnyrigg Partnerships (Level 6, 275 Kent Street, Sydney)
<b>Application made to:</b>	Minister for Planning
<b>Major Project Number:</b>	06_0046
<b>On land comprising:</b>	Bonnyrigg Housing Estate, being land bounded generally by Bonnyrigg avenue, Bonnyrigg public school, Bonnyrigg plaza, Elizabeth drive, Cabramatta road west, Humphries road and Edensor road (excluding privately owned lots located within the Estate)
<b>Local Government Area:</b>	Fairfield City Council
<b>Approval in summary for:</b>	A Project Application for construction of 106 dwellings
<b>Type of development:</b>	Concept approval under Part 3A of the Act
<b>Determination made on:</b>	
<b>Determination:</b>	Concept approval is granted subject to the modifications in the attached Schedule 6.
<b>Date of commencement of approval:</b>	This approval commences on the date of the Minister's approval.
<b>Date approval will lapse:</b>	5 years from the date of determination

#### A2 Approval in detail

Development approval is granted only to carrying out the development described in detail below:

- (a). Construction of 106 dwellings, comprising a mixture of two-storey attached and detached dwellings (with one (1) dwelling containing a three-storey element), associated landscaping and the provision of 192 off-street car parking spaces;
- (b). Reconfiguration and upgrading of existing public open space and the provision of public infrastructure;
- (c). Construction of stormwater infrastructure, including the construction of a stormwater detention facility; and
- (d). Retention and upgrading of existing utilities infrastructure and the provision of new utilities infrastructure.

**A3 Development in Accordance with Plans and Documentation**

- (1). The development shall take place in accordance with the following plans:

<b>Architectural Plans Project Number 05104 prepared by Billard Leece Partnership Pty Ltd</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
A01_000	D	Stage 1 Overall Site Plan	22.08.08
A01_001	D	Stage 1 Lot Layouts and Sizes	22.08.08
A01_002	D	Stage 1 Site Plan A—Ground	22.08.08
A01_003	D	Stage 1 Site Plan B—Ground	22.08.08
A01_004	D	Stage 1 Site Plan C—Ground	22.08.08
A01_005	D	Stage 1 Site Plan A—First Floor	22.08.08
A01_006	D	Stage 1 Site Plan B—First Floor	22.08.08
A01_007	D	Stage 1 Site Plan C—First	22.08.08
A01_023	D	Stage 1C Street Elevations	22.08.08
A01_109	D	Floor Plan 3 Plex Lot 001 Type T2& T9	22.08.08
A01_110	D	Floor Plan 3 Plex Lot 001 Type T2& T9	22.08.08
A01_136	D	Floor Plan House Lot 002 Type T18	22.08.08
A01_117	D	Floor Plan 4 Plex Lot 003 Type T7-1	22.08.08
A01_148	E	Floor Plan 3 Plex Lot 004 Type T10, 13&14	22.08.08
A01_148a	E	Floor Plan 3 Plex Lot 004 Type T10, 13&14	22.08.08
A01_140	D	Floor Plan Duplex Lot 005 Type T4&T5	22.08.08
A01_131	D	Floor Plan House Lot 006 Type T17	22.08.08
A01_156	D	Floor Plan House Lot 007 Type T19	22.08.08
A01_127	E	Floor Plan 4 Plex Lot 008 Type T8 & T9x3	22.08.08
A01_143	D	Floor Plan 3 Plex Lot 009 Type T3, 13&14	22.08.08
A01_144	D	Floor Plan 3 Plex Lot 009 Type T3, 13&14	22.08.08
A01_155	D	Floor Plan House Lot 010 Type T20	22.08.08
A01_118	D	Floor Plan (Private) 4 Plex Lot 011 Type T6, T8&T9	22.08.08
A01_119	D	Floor Plan 4 Plex Lot 011 Type T6, T8&T9	22.08.08
A01_111	E	Floor Plan 3 Plex Lot 012 Type T1, T8&T9	22.08.08
A01_101	D	Floor Plan Duplex Lot 013 Type T2	22.08.08
A01_130	D	Floor Plan House Lot 014 Type T18	22.08.08
A01_120	F	Floor Plan 4 Plex Lot 015 Type T7, T8&T9	22.08.08
A01_121	E	Floor Plan 4 Plex Lot 015 Type T7, T8&T9	22.08.08
A01_122	D	Floor Plan 4 Plex Lot 016 Type T6 &T7	22.08.08
A01_112	D	Floor Plan 3 Plex Lot 017 Type T2, T8, T9	22.08.08

A01_113	D	Floor Plan 3 Plex-Lot 017-Type T2, T8, T9	22.08.08
A01_141	D	Floor Plan Duplex-Lot 018-Type T3&T4	22.08.08
A01_114	D	Floor Plan 3 Plex-Lot 019-Type T2, T7	22.08.08
A01_145	D	Floor Plan 3 Plex-Lot 020-Type T4 &T14	22.08.08
A01_146	D	Floor Plan 3 Plex-Lot 020-Type T4 &T14	22.08.08
A01_102	D	Floor Plan Duplex-Lot 021-Type T1 & T2	22.08.08
A01_147	E	Floor Plan 3 Plex-Lot 022-Type T4 & T10	22.08.08
A01_133	D	Floor Plan House-Lot 023-Type T16	22.08.08
A01_132	D	Floor Plan House-Lot 024-Type T18	22.08.08
A01_103	B	Floor Plan Duplex-Lot 025-Type T1&T2	May 08
A01_123	D	Floor Plan 4 Plex-Lot 026-Type T7,T8&T9	22.08.08
A01_124	D	Floor Plan 4 Plex-Lot 026-Type T7,T8&T9	22.08.08
A01_151	F	Floor Plan 4 Plex-Lot 027-Type T11	22.08.08
A01_152	D	Floor Plan 4 Plex-Lot 027-Type T11	22.08.08
A01_157	D	Floor Plan House-Lot 028-Type T20	22.08.08
A01_125	D	Floor Plan 4 Plex-Lot 029-Type T7,T8&T9	22.08.08
A01_126	D	Floor Plan 4 Plex-Lot 029-Type T7,T8&T9	22.08.08
A01_104	D	Floor Plan Duplex-Lot 030-Type T2	22.08.08
A01_149	E	Floor Plan 4 Plex-Lot 031-Type T14x4	22.08.08
A01_137	D	Floor Plan House-Lot 032-Type T16	22.08.08
A01_137a	D	Floor Plan House-Lot 032-Type T16	22.08.08
A01_135	D	Floor Plan House-Lot 033-Type T16	22.08.08
A01_115	F	Floor Plan 3 Plex-Lot 034-Type T2, T8, T9	22.08.08
A01_116	D	Floor Plan 3 Plex-Lot 034-Type T2, T8, T9	22.08.08
A01_134	D	Floor Plan House-Lot 035-Type T18	22.08.08
A01_138	D	Floor Plan House-Lot 036-Type T18	22.08.08
A01_105	D	Floor Plan Duplex-Lot 037-Type T1&T2	22.08.08
A01_106	D	Floor Plan Duplex-Lot 037-Type T1&T2	22.08.08
A01_128	D	Floor Plan 4 Plex-Lot 038-Type T7,T8&T9	22.08.08
A01_129	D	Floor Plan 4 Plex-Lot 038-Type T7,T8&T9	22.08.08
A01_153	D	Floor Plan 4 Plex-Lot 039-Type T10	22.08.08
A01_154	D	Floor Plan 4 Plex-Lot 039-Type T10	22.08.08
A01_107	D	Floor Plan Duplex-Lot 040-Type T1&T2	22.08.08
A01_158	D	Floor Plan House-Lot 041-Type T19	22.08.08
A01_142	D	Floor Plan Duplex-Lot 042-Type T3&T4	22.08.08
A01_108	D	Floor Plan Duplex-Lot 043-Type T1&T2	22.08.08

A01_139	D	Floor Plan House – Lot 044 Type T18	22.08.08
<b>Landscape Drawings Project No 07502501.01 prepared by EDAW</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
L01.DA 100	F	Landscape Stage 1 DA Cover Sheet	02.06.08
L01.DA 200	F	Landscape Stage 1 DA Private Lots and Streetscape	12.09.08
L01.DA 201	F	Landscape Stage 1 DA Private Lots and Streetscape	12.09.08
L01.DA 202	F	Landscape Stage 1 DA Private Lots and Streetscape	12.09.08
L01.DA 203	F	Landscape Stage 1 DA Private Lots and Streetscape	12.09.08
L01.DA 204	F	Landscape Stage 1 DA Private Lots and Streetscape	12.09.08
L01.DA 205	F	Landscape Stage 1 DA Private Lots and Streetscape	12.09.08
L01.DA 206	F	Landscape Stage 1 DA Private Lots and Streetscape	12.09.08
L01.DA 207	F	Landscape Stage 1 DA Private Lots and Streetscape	12.09.08
L01.DA 208	F	Landscape Stage 1 DA Typical Lot Landscape	02.06.08
L01.DA 209	F	Landscape Stage 1 DA Typical Street Cross-sections	02.06.08
L01.DA 210	F	Landscape Stage 1 DA Private Lot Planning	02.06.08
L01.DA 211	F	Landscape Stage 1 DA Streetscape Planting	02.06.08
L01.DA 212	F	Landscape Stage 1 DA: Private Lots and Streetscape Materials	02.06.08
<b>Civil Plans Project No 06P310-01 prepared by Hughes-Trueman</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DAC01	D	Cover Sheet	26.05.08
DAC02	D	General Arrangement Plan	26.05.08
DAC03	D	Notes and Legends	26.05.08
DAC04	D	Roadworks and Grading Plan Sheet 1 of 11	18.09.08
DAC05	E	Roadworks and Grading Plan Sheet 2 of 11	18.09.08
DAC06	E	Roadworks and Grading Plan Sheet 3 of 11	05.08.08
DAC07	F	Roadworks and Grading Plan Sheet 4 of 11	18.09.08
DAC08	D	Roadworks and Grading Plan Sheet 5 of 11	26.05.08
DAC09	E	Roadworks and Grading Plan Sheet 6 of 11	18.09.08
DAC10	D	Roadworks and Grading Plan Sheet 7 of 11	26.05.08
DAC11	D	Roadworks and Grading Plan Sheet 8 of 11	26.05.08
DAC12	D	Roadworks and Grading Plan Sheet 9 of 11	26.05.08
DAC13	D	Roadworks and Grading Plan Sheet 10 of 11	26.05.08
DAC14	D	Roadworks and Grading Plan Sheet 11 of 11	26.05.08
DAC15	D	Typical Road Cross Sections	26.05.08
DAC16	D	Erosion and Sediment Control Plan Sheet 1 of 3	26.05.08

DAC17	D	Erosion and Sediment Control Plan Sheet 2 of 3	26.05.08
DAC18	D	Erosion and Sediment Control Plan Sheet 3 of 3	26.05.08
DAC19	D	Erosion and Sediment Control Notes and Details	26.05.08
DAC30	G	Proposed Detention Basin Section	05.08.08

<b>Architectural Plans Job No RL 1394 prepared by Residential Logistics Pty Ltd</b>					
<b>New Lot No</b>	<b>Old Lot No</b>	<b>Drawing No</b>	<b>Issue</b>	<b>Name of Plan</b>	<b>Date</b>
			B	Lots 101 to 109 Site Plan	28.05.2009
			B	Lots 201-210 Site Plan	28.05.2009
			B	Lots 301-310 Site Plan	28.05.2009
			B	Lots 401 to 405 Site Plan	28.05.2009
			B	Lots 501 to 514 Site Plan	28.05.2009
			B	Lots 601 to 608 Site Plan	28.05.2009
			B	Lots 701 to 710 Site Plan (Page 1 of 2)	28.05.2009
			B	Lots 701 to 710 Site Plan (Page 2 of 2)	28.05.2009
			B	Lots 801 to 804 Site Plan	28.05.2009
			B	Lots 901 to 906 Site Plan	28.05.2009
Lots 101-103	Lot 1	ARC-RL-SO1-101-103	E	Site Plan & Services Plan	27.05.2009
			E	Floor Plan and Elevations	27.05.2009
			E	Sections, Window Schedule & Basix	27.05.2009
Lot 104	Lot 2	ARC-RL-SO1-101-104	D	Site Plan & Services Plan	27.05.2009
			D	Elevations & Floor Plans	27.05.2009
			D	Electrical Plan, Concrete Plan & Basix Template	27.05.2009
Lots 105-108	Lot 3	ARC-RL-SO1-101-108	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Sections, Window Schedule & Basix	20.04.2009
Lot 109	Lot 4	ARC-RL-SO1-101-109	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Sections, Detached Garage Details and Window Schedule	20.04.2009
Lots 201-203	Lot 12	ARC-RL-SO1-201-203	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Detached Garage Details	20.04.2009
			C	Elevations, Sections & Window Schedule	20.04.2009
			C	Basix Templates	20.04.2009
Lots 204-205	Lot 13	ARC-RL-SO1-204-205	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections and Detached Garages	20.04.2009
			C	Electrical Plan, Concrete Plan & Basix Templates	20.04.2009
Lot 206	Lot 14	ARC-RL-SO1-206	C	Site Plan and Services Plan	20.04.2009

Architectural Plans Job No RL 1394 prepared by Residential Logistics Pty Ltd					
New Lot No	Old Lot No	Drawing No	Issue	Name of Plan	Date
			C	Floor Plans and Elevations	20.04.2009
			C	Electrical Plan, Concrete Plan, Sections and Basix Templates	20.04.2009
Lots 207-210	Lot 15	ARC-RL-SO1-207-210	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Sections	20.04.2009
			C	Detached Garage Details and Elevations	20.04.2009
			C	Basix Template	22.05.2009
Lots 301-302	Lot 5	ARC-RL-SO1-301-302	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Sections, Detached Garage Details and Window Schedule	20.04.2009
Lot 303	Lot 6	ARC-RL-SO1-303	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plans, Sections and Elevations	20.04.2009
			C	Concrete Plan, Electrical Plans & Window Schedule & Basix Templates	20.04.2009
Lot 304	Lot 7	ARC-RL-SO1-304	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan, Sections and Elevations	20.04.2009
			C	Concrete Plan, Electrical Plans, Window Schedule & Basix Templates	20.04.2009
Lot 305	Lot 8	ARC-RL-SO1-305	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections, Garage Details, Window Schedule & Basix Template	20.04.2009
Lots 306-308	Lot 9	ARC-RL-SO1-306-308	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plan & Elevations	20.04.2009
			C	Electrical Plan, Concrete Plan, Sections & Garage Details	20.04.2009
			C	Basix Template	22.05.2009
Lot 309	Lot 10	ARC-RL-SO1-309	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plans & Elevations	20.04.2009
			C	Electrical Plan, Sections, Concrete Plan and Basix Template	20.04.2009
Lot 310	Lot 11	ARC-RL-SO1-310	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections, Detached Garage Details, and Window Schedule	20.04.2009
Lot 401	Lot 16	ARC-RL-SO1-401	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Detached Garage Details, Section & Window Schedule	20.04.2009
Lot 402	Lot 23	ARC-RL-SO1-402	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plans & Elevations	20.04.2009

<b>Architectural Plans Job No RL 1394 prepared by Residential Logistics Pty Ltd</b>					
<b>New Lot No</b>	<b>Old Lot No</b>	<b>Drawing No</b>	<b>Issue</b>	<b>Name of Plan</b>	<b>Date</b>
			C	Electrical Plans, Sections, Concrete Plan and Window Schedule	20.04.2009
Lots 403-404	Lot 24	ARC-RL-SO1-403-404	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections and Detached Garage Details	20.04.2009
			C	Electrical Plan and Concrete Plan	20.04.2009
Lots 501-503	Lot 17	ARC-RL-SO1-501-503	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections and Garage/Carport Details	20.04.2009
			C	Basix Template	22.05.2009
Lots 504-505	Lot 18	ARC-RL-SO1-504-505	C	Site Plan & Services Plan	20.04.2009
			C	Elevations & Floor Plans	20.04.2009
			C	Electrical Plan, Sections, Basix Template & Concrete Setout Plan	20.04.2009
Lots 506-508	Lot 19	ARC-RL-SO1-506-508	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Garage Details, Sections, Window Schedule & Basix Template	20.04.2009
			C	Basix Template	21.05.2009
Lots 509-511	Lot 20	ARC-RL-SO1-509-511	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Sections, Window Schedule & Basix Templates	20.04.2009
Lots 512-513	Lot 21	ARC-RL-SO1-512-513	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Garage Details, Sections, Window Schedule & Basix Template	20.04.2009
Lot 514	Lot 22	ARC-RL-SO1-514	C	Site Plan & Services Plan	20.04.2009
			C	Elevations & Floor Plans	20.04.2009
			C	Garage Plans, Electricals, Sections, & Window Schedule	20.04.2009
Lots 601-604	Lot 26	ARC-RL-SO1-601-604	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Sections	20.04.2009
			C	Elevations and Window Schedule	20.04.2009
			C	Basix Templates	27.05.2009
Lot 605	Lot 35	ARC-RL-SO1-605	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans, Elevations, Section & Window Schdl.	20.04.2009
			C	Electrical Plan and Concrete Plan	20.04.2009
Lot 606	Lot 36	ARC-RL-SO1-606	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Electrical Plans, Concrete Plan, Sections &	20.04.2009

<b>Architectural Plans Job No RL 1394 prepared by Residential Logistics Pty Ltd</b>					
<b>New Lot No</b>	<b>Old Lot No</b>	<b>Drawing No</b>	<b>Issue</b>	<b>Name of Plan</b>	<b>Date</b>
				Basix Templates	
Lots 607-608	Lot 37	ARC-RL-SO1-607-608	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections, Garage Elevations & Floor Plans	20.04.2009
Lot 701	Lot 27	ARC-RL-SO1-701	C	Site Plan & Services Plan	20.04.2009
			C	Elevations & Floor Plans	20.04.2009
			C	Detached Garage Window Schedule & Sections	20.04.2009
Lot 702	Lot 28	ARC-RL-SO1-702	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plans & Elevations	20.04.2009
			C	Electrical Plan Concrete Layout & Sections	20.04.2009
Lot 703	Lot 29	ARC-RL-SO1-703	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Sections, Window Schedule & Basix Templates	20.04.2009
Lot 704	Lot 30	ARC-RL-SO1-704	D	Site Plan and Services Plan	03.06.2009
			D	Floor Plans, Sections and Elevations	03.06.2009
			D	Electrical Plan, Concrete Plan & Basix Templates	03.06.2009
Lot 705	Lot 31	ARC-RL-SO1-705	D	Site Plan and Services Plan	03.06.2009
			D	Floor Plan and Elevations	03.06.2009
			D	Sections, Window Schedule & Basix Template	03.06.2009
Lots 706-707	Lot 32	ARC-RL-SO1-706-707	C	Service Plan & Site Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Sections, Electrical Plan, Concrete Plan & Basix	20.04.2009
Lot 708	Lot 33	ARC-RL-SO1-708	C	Concrete Plan Site Plan	20.04.2009
			C	Floor Plan, Elevations and Sections	20.04.2009
			C	Electrical Plan, Services Plan & Driveway Sections,	20.04.2009
Lots 709-711	Lot 34	ARC-RL-SO1-709-711	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections, Garage Details & Basix Templates	20.04.2009
Lot 801	Lot 38	ARC-RL-SO1-801	B	Site Plan and Services Plan	26.05.2008
			B	Floor Plan and Elevations	26.05.2008
			B	Sections and Detached Garage	26.05.2008
Lots 802-803	Lot 43	ARC-RL-SO1-802-803	C	Service Plan & Site Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections, Garage Details & Basix Template	20.04.2009
Lot 804	Lot 44	ARC-RL-SO1-804	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Concrete Plan, Sections, Basix Template and	20.04.2009



<b>Architectural Plans Job No RL 1394 prepared by Residential Logistics Pty Ltd</b>					
<b>New Lot No</b>	<b>Old Lot No</b>	<b>Drawing No</b>	<b>Issue</b>	<b>Name of Plan</b>	<b>Date</b>
				Electrical Plan	
Lot 901	Lot 39	ARC-RL-SO1-901	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Detached Garage Detail Section & Window Schdl.	20.04.2009
Lots 902-903	Lot 40	ARC-RL-SO1-902-903	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Sections, Basix, Electrical, Concrete Plan & Window Schedule	20.04.2009
Lot 904	Lot 41	ARC-RL-SO1-904	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plan, Sections & Elevations	20.04.2009
			C	Services, Electrical Plan & Basix Templates	20.04.2009
Lots 905-906	Lot 42	ARC-RL-SO1-905-906	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections and Window Schedule	20.04.2009

except as modified in red by Council and/or any conditions of this consent. **[MP 06\_0046 MOD 1 – 07.09.2009]**

- (2). The development shall take place in accordance with the following plans and documentation (including any appendices therein) which are approved as part of the Concept Plan.
- (a) Environmental Assessment Report (EAR) prepared by Urbis, Job No. SA3338, Report No. Concept Plan and Project Application.v12a, dated November 2007;
  - (b) Bonnyrigg Masterplan prepared by Urbis, dated September 2008;
  - (c) Amended Voluntary Planning Agreement (VPA), dated July 2008;
  - (d) Bonnyrigg Infrastructure and Services Delivery Plan prepared by Bonyrigg Partnerships, Job Code SA3338, Report No. Bonnyrigg Infrastructure and Services Delivery Plan – 180608 – Final, dated June 2008;
  - (e) Water Cycle Management Report prepared by Hughes Trueman, Revision C, dated 5 August 2008;
  - (f) Transport Management and Accessibility Plan (TMAP) prepared by SKM, Final Report, dated 28 October 2008;
  - (g) Stage 1 Infrastructure Report prepared by Hughes Trueman, Revision 5, dated 17 September 2008;
  - (h) Project Design Report prepared by EDAW, Project No. 07502505.01, Issue E, dated September 2008;
  - (i) Stage 1 Environment and Construction and Management Plan prepared by Hughes Trueman, Revision 5, dated 4 September 2008; and
  - (j) Preliminary Environmental Site Assessment prepared by JBS Environmental Pty Ltd, Job No. JBS 40266-11664, dated September 2007.
- (3). The following Preferred Project Report and revised Statement of Commitments are approved:

- (a) *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.
- (4). In the event of any inconsistencies,
  - (e) the preferred project report and revised Statement of Commitment in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1), and
  - (f) the conditions of the Project Application approval identified in Schedule 4 prevail over the documentation listed in (1) and (2) above

## **PART B – NOTES RELATING TO THE APPROVAL**

### ***Responsibility for other approvals / agreements***

The Applicant is solely responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

### ***Appeals***

The Proponent(s) has the right to appeal to the Land and Environment Court in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid within 3 months after the date on which the Proponent(s) received this notice.

### ***Appeals—Third Party***

A third party right to appeal to this development consent is available under Section 123, subject to any other relevant provisions, of the *Environmental Planning and Assessment Act, 1979*.

### ***Legal notices***

Any advice or notice to the consent authority shall be served on the Director-General.

### ***Notes***

Notes included in this approval do not form part of this approval.

## **PART C — DEFINITIONS**

In this approval the following definitions apply:

**Act** means the Environmental Planning and Assessment Act, 1979 (as amended).

**Council** means Fairfield City Council.

**Department** means the Department of Planning or its successors.

**Director-General** means the Director-General of the Department

**Minister** means the Minister administering the Act.

**Project** means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

**Proponent** means the person(s) identified in Part A proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the Proponent(s).

**Regulations** means the Environmental Planning and Assessment Regulations, 2000 (as amended).

**RTA** means the Roads and Traffic Authority.

**Subject Site** has the same meaning as the land identified in Part A of this schedule to which the Concept Plan applies.

## SCHEDULE 6 – CONDITIONS TO THE PROJECT APPLICATION – STAGE 1 DWELLING CONSTRUCTION (MP 06\_0046)

### PART A – DEPARTMENT OF PLANNINGS MODIFICATIONS

#### A1 Design Amendments

The following conditions of consent must be complied with prior to the issue of a construction certificate by a Certifying Authority. The Certifying Authority can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

The following amendments made in red on the approved plans shall be incorporated into the design prior to the issue of a Construction Certificate:

- (1) Proposed dwellings to be erected on Lots 8, 13 & 35 shall be provided with the required 4.5 metre setback from the front property boundary, in accordance with the Bonnyrigg Masterplan.
- (2) The garages and carports proposed to be erected on Lots 8 & 9 shall be provided with a minimum setback of 5.5 metres, in accordance with the Bonnyrigg Masterplan.
- (3) The western elevation for Lot 30 is required to be upgraded to adequately address the corner location, in accordance with the Bonnyrigg Masterplan.
- (4) Amended architectural plans shall be submitted clearly illustrating site levels and existing trees.
- (5) Amended architectural plans shall be submitted which clearly illustrate the provision of all Basix commitments.
- (6) Plans demonstrating the above amendments shall be submitted to the Principal Certifying Authority for authorisation prior to the issue of a Construction Certificate. [MP 06\_0046 MOD 1 – 07.09.2009]

#### A2. Report Amendments

Prior to the issue of a Construction Certificate, the Stage 1 Environment and Construction and Management Plan prepared by Hughes Trueman, Revision 5, dated 4 September 2008 shall be amended to include the address the following:

- (1) Section 4.3 Civil Structures – works associated with the 'structures' include excavation and backfilling/bedding laying, etc, however no direction has been provided as to appropriate environmental controls during this construction process. In this regard, Section 4.3.4 (Work Instructions) shall be expanded to discuss these issues.
- (2) Section 4.4 Demolition & Waste Management – provide discussion on what building components will be demolished (removed/sorted) manually and what will simply be bulldozed (e.g. removal of asbestos sheeting or recoverable materials). A link to Section 4.6 (Asbestos Management) would also be appropriate.
- (3) Section 4.7 Electrical Systems – expand Section 4.7.3 (Work Instructions) to address the escape of sediments during excavation and backfilling.
- (4) Section 4.8 Emergency Response – expand Section 4.8.4 (Work Instructions) to provide a description of spill kits, and their location, for typical events (e.g. fuel spills).
- (5) Section 4.9 Excavation Works – include references to other sections where the escape of sediments (sediment control) and dust management are discussed. In this regard, links to Section 4.5 (Dust Management) and Section 4.19 (Soil & Water Management) shall be provided.
- (6) Section 4.13 Hazardous Material Management – provide a link to Section 4.8 (Emergency Response).
- (7) Section 4.19 Soil & Water Management – provide a link to Section 4.24 (Water Quality Management).

- (8) Section 4.21 Topsoil Management – provide a link to Sections 4.5 (Dust Management), 4.9 (Excavation Works) and 4.19 (Soil & Water Management).
- (9) Section 4.22 Traffic Management - provide a link to Section 4.2 (Access, Egress & Compound Management).

#### **A3. Basix Certificates**

Prior to the issue of a Construction Certificate, amended Basix Certificates shall be submitted which accurately reflecting the correct method of building construction and the provision of a recycled water system to facilitate any future provision of recycled water to the estate.

#### **A4. Remedial Action Plan**

Prior to the issue of a Construction Certificate, a Stage 3 Remedial Action Plan (RAP) shall be prepared by an appropriately qualified Environmental Consultant in accordance with the NSW EPA Contaminated Sites Guidelines, as well as any other relevant guideline, and submitted to and approved by a NSW EPA Accredited Site Auditor.

#### **A5. Validation Report**

Upon completion of the remedial works, a Stage 4 Validation Report summarising the results of the remediation and final validation sampling for the Stage 1 site shall 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 shall be carried out in accordance with the NSW EPA Contaminated Sites Guidelines, and will determine if the site has been validated for the residential purposes and if there is potential for impact upon human health or the environment.

#### **A6. Flood Risk Management**

Prior to issue of a Construction Certificate, a certificate shall be submitted to the Principal Certifying Authority certifying that the proposed Stage 1 development complies with Chapter 11 of the Fairfield City-Wide Development Control Plan 2006 – Flood Risk Management.

#### **A7. Flood Impact**

Prior to issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that there are no additional adverse flooding impacts on downstream properties due to the Stage 1 development.

#### **A8. Detention Basins**

~~Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority that the capacity of the detention basin(s) shall be designed to contain the minimum 1 in 100 year ARI flood event and the spillway of the basin shall be designed to bypass the extreme flood events, in accordance with Council's Stormwater Drainage Policy September 2002. In this regard, calculations used in the design of the on-site detention system shall be submitted to and approved by Council prior to the issue of a Construction Certificate.~~

**Prior to issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that the capacity of the detention basin(s) has been designed to contain the minimum 1 in 100 year ARI Flood event and that the spillway of the basin shall be designed to bypass the extreme flood events, in accordance with Council's Stormwater Drainage Policy September 2002. [MP 06\_0046 MOD 1 – 07.09.2009]**

#### **A9. Contract of Insurance or Owner-builder Permit**

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

- a. 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
- b. An owner-builder has a valid owner-builder permit issued by the Department of Fair Trading.

#### **A10. Outstanding Long Service Levy Fee**

Prior to the issue of a construction certificate, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifying Authority. The Long Service Levy is calculated at 0.35% of the value of Building Works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment.

Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

#### **A11. Service Provider Requirements**

Prior to the issue of a construction certificate, the following service provider requirements shall be submitted to the Certifying Authority:

- a. Sydney Water – A Section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

The Notice must be submitted to the Certifying Authority prior to the issue of a construction certificate.

- b. Integral Energy – A letter of consent showing satisfactory arrangements have been made to service the proposed development.
- c. Telecommunications – A letter of consent showing satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.

#### **A12. Deemed-to-Satisfy**

The proposal as submitted does not comply with the Deemed-to-Satisfy provisions of the Building Code of Australia. Compliance with the performance requirements, by formulating an alternative solution or otherwise, shall be demonstrated to the Certifying Authority prior to the issue of a construction certificate.

#### **A13. Safer by Design**

Prior to the issue of a Construction Certification, detailed design documentation for the Stage 1 open space area shall be submitted to Council demonstrating compliance with the recommendations made on page 104 of the Bonnyrigg Masterplan prepared by Urbis, dated September 2008 and pages 29-32 of the Crime Prevention Through Environmental Design Assessment: Stage 1, Bonnyrigg Living Communities Project prepared by Urbis, Job Code KAJ37907, Report No. Final, dated 2007, particularly with regard to lighting and landscaping.

### **B 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. A Certifying Authority can either be Fairfield City Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.

#### **B1. 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.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9725 0222.

**B2. 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 Council of the appointment.

**B3. Notify Council of Intention to Commence Works**

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

**B4. 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](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone: 13 20 92.

**B5. 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.

**B6. 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.

**B7. 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.

Note: A \$600 on the spot fine may be issued for non-compliance with this condition.

#### **C - 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.

##### **C1. Section 73 Certificate Required**

Prior to the issue of the Final Occupation Certificate, a Section 73 certificate issued by Sydney Water shall be submitted to the Principal Certifying Authority.

##### **C2. Certification of Approved Finished Floor Level and Ridge Height**

Prior to the issue of an occupation certificate (Interim or Final), a certificate by a registered surveyor shall be submitted to the Principal Certifying Authority certifying that the finished floor level and eave height of the dwellings has been constructed within minus 200mm and plus 200mm of the levels shown on the approved plans.

##### **C3. Surveyor's Certificate of Location of Building upon Completion**

Prior to the issue of the final occupation certificate, a registered surveyor's certificate shall be submitted to and approved by the Principal Certifying Authority certifying that the dwellings and associated structures has been positioned in accordance with the approved plans. It shall show the boundaries of the allotment and the distances of dwellings and associated structures from the boundaries.

##### **C4. 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.

##### **C5. 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.

##### **C6. 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.

##### **C7. 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 submitted in accordance with Condition A3 of this approval.

Should the design of the dwelling alter or the commitments to Basix change, a new Basix Certificate is required to be completed and submitted to the Principal Certifying Authority.



#### **C8. 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 Council.

#### **C9. 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.

#### **C10. House Number Required**

Prior to the issue of the final occupation certificate, the applicant shall contact 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.

#### **C11. 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'.

#### **C12. Restriction on Use and Positive Covenant**

Prior to issue of a final Occupation Certificate, Restrictions on Use and Positive Covenants shall be created over all overland flow path areas.

#### **C13. Reciprocal Easements and Positive Covenants**

Prior to issue of an Occupation Certificate, Reciprocal Easements and Positive Covenants shall be created over the roof areas for each lot where appropriate to drain water and maintain gutters, down pipes and stormwater lines.

#### **C14. Reciprocal Easements and Positive Covenants**

Prior to issue of an Occupation Certificate, Reciprocal Easements for Support over each lot shall be created where appropriate.

### **D 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. A Principal Certifying Authority can either be Fairfield City Council or an accredited certifier.

#### **D1. 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).

## **D2. Compliance with approved Waste Management Plan**

The Waste Management Plan appended to Stage 1 Environment and Construction Plan referenced in Schedule 5, Part A, Condition A3(2)(i) in this approval must 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 are to be produced upon request by Council.

Note: Any non-compliance with this requirement will result in penalties being issued.

In addition, the applicant is to supply the PCA 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 the PCA or Council.

Note: Any non-compliance with this requirement will result in penalties being issued.

## **D3. 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.

## **D4. Deep Excavation**

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a. Must preserve and protect the building from damage; and
- b. If necessary, must underpin and support the building in an approved manner, and
- c. Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

## **D5. Retaining Walls**

Where retaining walls are required as a result of a 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 Council or Principal Certifying Authority. A separate development application shall be lodged with Council for any proposed retaining wall greater than 1000mm in height above natural ground level.

## **D6. Water Recycling Infrastructure**

All water recycling infrastructure for Stage 1 shall be constructed in accordance with the Stage 1 Infrastructure Report prepared by Hughes Trueman, Revision 5, dated 17 September 2008 and approved by Sydney Water or an alternative licensed service provider. In this regard, a dual water system shall be provided to all dwellings.

Until such time as the recycled water supply becomes available, the potable water supply shall be used for the purpose of all water needs. However, as soon as the recycled water supply becomes available, this infrastructure shall be connected and utilised (i.e. dual system of potable water for drinking and water recycling purposes as outlined in the abovementioned report).

#### **D7. Drainage Works**

All drainage works shall be designed in accordance with Council's Stormwater Drainage Policy September 2002 and Specification for Roadwork & Drainage Associated with Subdivision or other Developments.

#### **D8. Stormwater Runoff**

There shall be no increase in flow rates towards the downstream properties during storm events due to the Stage 1 development.

#### **D9. Overland Flow Path**

All buildings within the overland flow path shall be designed to withstand the forces of flood waters including debris and buoyancy forces.

#### **D10. Vehicle Access**

All vehicular access to the dwellings shall be via standard crossings in accordance with Council's and Integral Energy's requirements.

#### **D11. Drainage Lines**

The drainage lines from each dwelling shall be connected to Council's stormwater drainage system.

#### **D12. Filling within a Building Envelope**

Any Imported fill materials must be either "Virgin Excavated Natural Material" as defined in Protection of the Environment Operations Act 1997, or materials which are otherwise exempt of the waste regulatory framework under the provisions of the Protection of the Environment Operations (Waste) Regulations 2005, for example "Excavated Natural Materials Exemption 2008 (General Exemption Under Part 6 Clause 51 and 51A)".

#### **D13. Administration fee for the lodgement of certificates**

Where a Principal Certifying Authority has been appointed other than Council, an administration fee (\$30.00) is charged by Council for the lodgement of Construction Certificates, Interim Occupation Certificates, Occupation Certificates and Complying Development Certificates.

#### **D14. 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.

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.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement.

#### **D15. Hoarding / Fencing**

During construction, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

#### **D16. Air-conditioning Unit Approval**

A separate development application shall be lodged for any air conditioning unit that does not meet the requirements of Council's Development Control Plan No. 29 – Exempt and Complying Development.

#### **D17. Decorative Driveway Finish**

Driveways are to be constructed in accordance with paving materials and finishes outlined in the Bonnyrigg Master Plan and Concept Plan approval for the proposal. The finishes of the paving surfaces are to be non-slip.

#### **D18. 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.

Note: A \$600 on the spot fine will be issued for failing to request the Principal Certifying Authority to undertake the above inspections.

#### **D19. 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 Council. Fines may be imposed if you contravene Council's Tree Preservation Order.

#### **D20. Maintenance of Construction Site**

During the construction and any dormant period, the applicant must ensure that the construction and/or development site is adequately maintained, as not to be prejudicial to the surrounding neighbourhood. In the event that the construction/development site remains dormant for a period in excess of three (3) months, permanent security fencing, hoarding or scaffolding, as defined in the relevant Australian Standard and incorporating visual shielding shall be provided and maintained to the satisfaction of Council until the completion of the development or as applicable.

Signage alerting to the presence of danger and prohibiting unauthorised entry to the site and any other signage, as required by a Development Consent, shall be displayed in a prominent position.

Note: On the spot penalties up to \$600 will be issued and/or legal action in the form of Notices/Orders for non-compliance with this requirement will be instigated.

#### **D21. Landscaping to be Completed**

The provision and maintenance of landscaping in accordance with the approved landscape plan prepared by EDAW, Project No. 07502501.01, Drawing No. L01.DA 100, Revision F, dated 2 June 2008, Drawing No. L01.DA 108 – L01.DA 109, Revision D, dated 26 May 2008, Drawing No. L01.DA 200 – L01.DA 2012, Revision F, dated 2 June 2008, Drawing No. L01.DA 300, Revision C, dated 26 May 2008, Drawing No. L01.DA 301 – L01.DA 307, Revision D, dated 26 May 2008 and Drawing No. L01.DA 400, Revision D, dated 26 May 2008, including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

#### **D22. Residential Fencing**

The erection of fencing for the residential dwellings shall be in accordance with the Project Design Report prepared by EDAW, Project No. 07502505.01, Issue E, dated September 2008.

#### **D23. Switchboards**

Switchboards for utilities must not be attached to the front elevations of the building(s) unless no alternative is available (e.g. an attached 4-plex dwelling which adjoins the intersection of two streets), in which case, the switchboard is to be positioned in an unobtrusive location.

**D24. Clothes Drying Areas**

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

**D25 Carparking – Residential**

The following number of carparking spaces shall be provided, in accordance with Part 5 of the Bonnyrigg Masterplan – Private Realm Guidelines:

192 off-street car parking spaces for residents.

Each space shall be maintained free from obstruction at all times. Residents and visitors vehicles shall be parked either the onsite spaces or on the street and not on the adjacent footway or landscaping areas.

**D26. Schedule of Finishes**

The Stage 1 dwellings shall be constructed and finished in the materials and colours approved in accordance with the plans prepared by Rust Architecture Design and Billard Leece Partnership Pty Ltd, Drawing No. 0 – 8, Revision A, dated May 2008.



## PART FIVE PRIVATE REALM GUIDELINES

### Detached and Attached Housing - General Guidelines

#### 5.3 Detached and Attached Housing - General Guidelines

The following guidelines have been developed for detached and attached housing within the Bonnyrigg Masterplan area, to deliver high-quality living environments for all residents of Bonnyrigg. These guidelines have been developed to ensure that each dwelling type can be placed adjacent to the other with minimum impact on amenity. As the Masterplan will be realised through staged development, design variations within each dwelling type over time is expected. Future potential design variations will be tested to ensure that dwelling types continue to be complimentary to each other.

##### Lot Size

The size of lots determines the type of dwellings that can be constructed in an area. The following table depicts minimum lot dimensions within Bonnyrigg for each proposed attached and detached dwelling type.

	Minimum Allotment Width	Minimum Allotment Depth	Minimum Number of Street Frontages
Detached House	8.5 metres. 12.5 metres if twin garage.	27.5 metres	1
2 Attached Dwellings	15 metres if garages and car parks located at the rear. 17 metres if garages located at the street front	30 metres	1
3 and 4 Attached Dwellings	20 metres	30 metres	1
6 Attached Dwellings	22 metres	30 metres	2
8 Attached Dwellings	28 metres	30 metres	2

**Note:** All allotment widths are measured 5.5 metres behind the allotment frontage

##### Site Coverage

The amount of landscape area, along with the size of the building footprint, within individual allotments will help determine useability, privacy, and social opportunities for residents. Landscape area will add to residents' quality of life while providing habitat for indigenous plants and animals. Building footprint can shape both private and public amenity.

##### For Landscape Area:

- A minimum of 35% of each allotment will be used as landscape area (including soft and hard landscaping, and ancillary structures such as sheds and pagodas, but excluding garages and car parking spaces)
- A minimum of 30% of the landscape area must be deep soil landscaping to accommodate the growth of large trees, allow infiltration of rainwater, and reduce stormwater runoff.

##### For Building Footprint:

- A maximum of 65% of any allotment can be built upon, including garages and car parking spaces.



Soft Landscaping & Deep Soil Landscaping



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Approved Section 75W Modification Application

No. MP06-0046 granted on the 19/04/2010

in respect to MP 06-0046

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Sheet No. 6 of 6





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**Approved Section 75W Modification Application**

**PART ONE PROJECT OVERVIEW**

No. MP06\_0046 MOD2 granted on the 19/04/2010

in respect to MP 06\_0046

Signed [Signature]

Sheet No. 1 of 6

## 1.1 Introduction

The Bonnyrigg Masterplan will deliver a new Bonnyrigg that is:

**"A vibrant, safe, healthy, and friendly neighbourhood where everyone has opportunities."**

This Masterplan is the physical description of the renewal and revitalisation by the Bonnyrigg Partnerships Consortium of the residential area known informally as the Bonnyrigg "estate."

The Masterplan has been developed in concert with a range of Community Renewal Strategies that focus on the provision of social support services to the existing community, as well as in association with the Bonnyrigg Renewal Scheme Concept Plan. The Masterplan is meant to inform the Development Control Plan (DCP) for the Bonnyrigg renewal site.

The site is immediately east of Bonnyrigg Plaza and comprises a total land area of approximately 80 hectares. It is bounded by Humphries Road, Cabramatta Road, Elizabeth Drive, Bonnyrigg Avenue and Edensor Road.

The area currently accommodates 833 social housing units, and 86 private homes. The Masterplan includes approximately 2,332 new dwellings for social and private housing. The Masterplan retains 20 Housing NSW owned villas and 85 privately owned homes. One privately owned home has been purchased and it is anticipated that additional homes may be considered for purchase where appropriate and feasible. The new development will result in a housing mix of 70% private and 30% social housing on-site, with no net loss in social housing provision through the project. Most critically, there will be no design difference discernable from the street between new dwellings to be placed on the market for private ownership and dwellings for social housing.

The Masterplan site is part of an urban area developed in the late 1970s utilising a 'Radburn' design concept. The renewal of this area will substantially increase the quality of the private and public domain, as well as the environmental performance of the site. Most importantly, the Masterplan will help develop a new neighbourhood more suited to the needs and desires of the existing and surrounding community.







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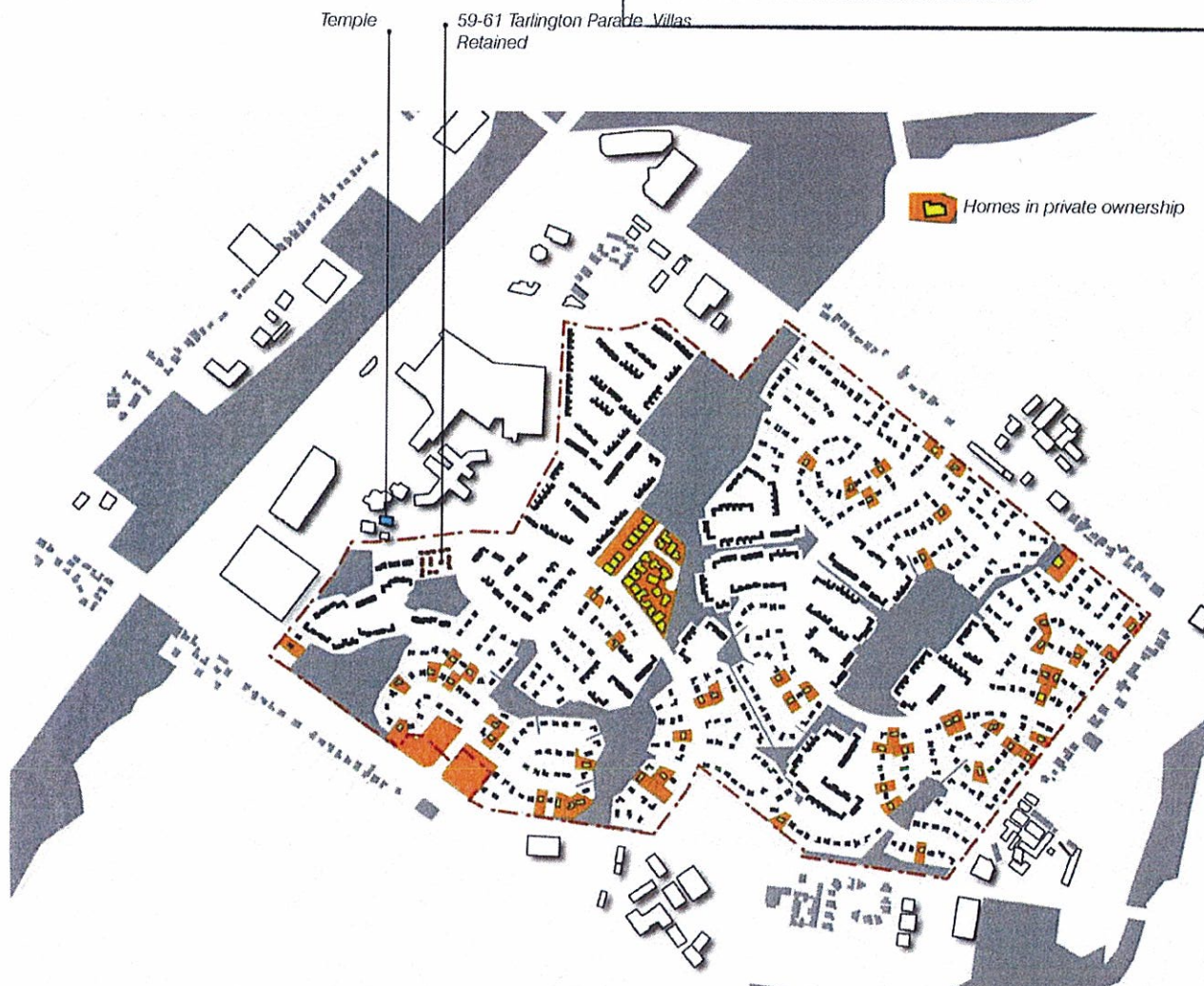
Approved Section 75W Modification Application

**PART TWO CONTEXT ANALYSIS**  
No. MP06-0046 granted on the 9/04/2010

MOD 2 Built Form and Ownership  
in respect to MP 06-0046

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Sheet No. 2 of 6



Images of privately owned residences located in centre of Bonnyrigg estate.







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31 MAR 2010

METROPOLITAN PROJECTS  
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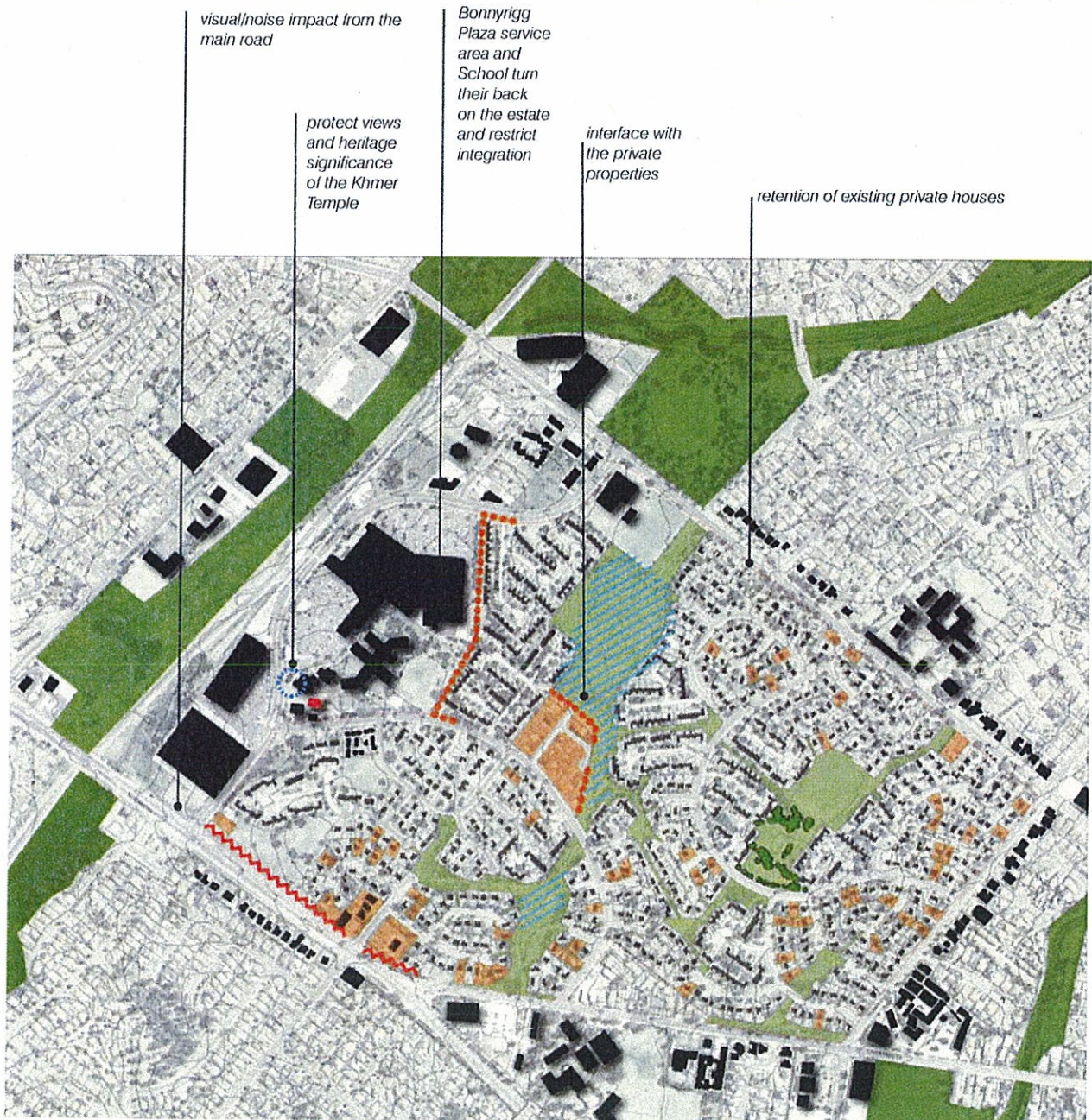
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**PART TWO CONTEXT ANALYSIS**  
No. MP06-0046 granted on the 9/04/2010

MOD 2 Constraints  
in respect to MP 06-0046

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Sheet No. 3 of 6



- ● interface with private ownership
- Private ownership (within the site)
- Khmer Temple
- Flood zone
- Open space (surrounding)
- Open space (the site)
- Noise/ Visual impact from the main road



**PART TWO CONTEXT ANALYSIS | Bonnyrigg Masterplan**

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AMENDED MP06-0046 MOD 2



## PART THREE STRUCTURE AND CHARACTER OF BONNYRIGG

### Built Form

#### 3.4 Built Form

##### Current Situation

The Bonnyrigg "estate" was developed during the late 1970s and early 1980s using Radburn design principles, with dwellings connected via a network of open space, parks, and walkways separated from the vehicle network.

Of the 919 dwellings currently in the masterplan area, 833 are social housing. In general, they are a mix of cottage style dwellings with traditional front and back yards and super lot townhouses with car access provided by cul-de-sacs to the rear of properties, and to the front facing open spaces. Typically, town houses have high private back fences fronting both streets and open spaces. The visual and psychological separation caused by high fences has resulted in poorly cared for streets and open spaces, and a lack of community 'ownership' of these spaces.

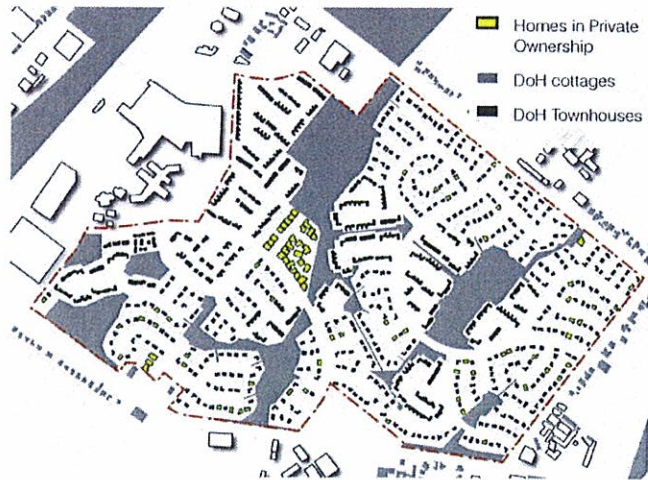
In general, there is the belief that the Radburn design has proven to be unsuitable for social housing. Specifically, concentrating social housing in large areas has proven to be unsuccessful. Such design has led to a concentration of disadvantage and adverse social and economic impacts on residents and the wider community. Other similar examples in western Sydney of concentrated social housing creating adverse social outcomes include Minto (currently being redeveloped) and Macquarie Fields (in plans for redevelopment) in Campbelltown.

In regards to individual dwellings and structures, many social housing units are also at the end of its economic life or requires significant refurbishment to bring it to an acceptable standard.

##### Design Response

The new Masterplan will reduce the concentration of social housing to 30% of the overall dwellings on the site. This will be done without any net loss in social housing through a dramatic increase in the number of homes on the site.

New development will follow the traditional pattern of houses and front yards addressing the street.



Existing Built Form



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No. MP06-0046 granted on the 19/04/2010  
MD 2  
in respect to MP 06-0046

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Sheet No. 4 of 6





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Planning

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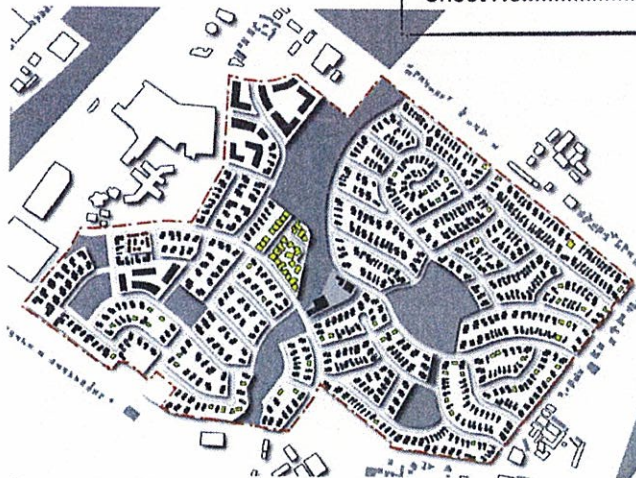
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MOD 2  
in respect to MP.....

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Sheet No. 5 of 6

Objective



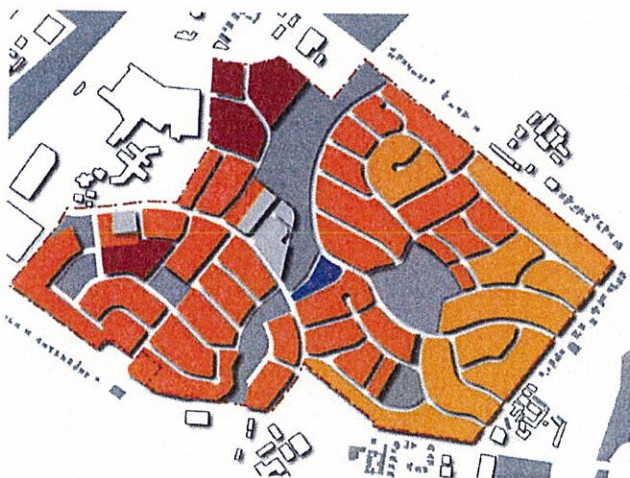
Proposed Built Form

To make 'neighbourhood space' of the street. New building placement and design will result in a greater level of ownership of the streetscape, better addresses for the homes, ensure passive surveillance of the streets and parks, and provide semi-private spaces of front yards for potential interaction within the community.

#### Strategies

The Masterplan will:

- Provide more homes around areas with higher amenity or better access to transport and services. The apartment sites are located close to Bonnyrigg Town Centre and the T-way. The park edges will have more of the attached homes. The western side of the Masterplan area will have more attached homes than the east due to its proximity to the T-way and the Town Centre;
- Ensure that all housing is within approximately 400m of a park;
- Achieve an increase in density while maintaining the suburban quality, neighbourhood feel, and character of the area;
- Provide for a complete and diverse community through a mix of housing types appropriate for diverse households. The homes will include lifted apartments of four to six storeys, detached houses and attached homes in groups of 2,3,4,6 and 8. These homes combine to deliver many different bedroom combinations and varying levels of outdoor space and maintenance requirements. The attached homes are designed to look and feel like large two-storey houses, in keeping with the suburban character and amenity the new Masterplan intends to evoke;
- Reduce the stigma of social housing by providing social housing that is externally indistinguishable from private housing. Increase densities so that the current level of social housing becomes 30% of the new total housing mix. Do not concentrate social housing within the new development.
- Apartments will have lifts and provide for aging in place. They will be of modern design within the suburban model with courtyards for the ground floors and landscaped spaces between the buildings.



Proposed Density Distribution

- Mainly Detached Homes, Some Attached
- Mainly Attached Homes, Some Detached
- Apartments - up to 6 Stories
- Bonnyrigg Neighbourhood Centre

