

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 1303.1/2010
JOINT REGIONAL PLANNING PANEL NO. 2010SYW101

Property:

- Lot 6622, DP 790377 Bunker Parade;
- Lots 92-98, DP 262456, No. 3A-15 Bunker Parade;
- Lots 67, 68, 76-78 & 91, DP 262456, No.'s 21-22, 24-26 & 28 Barseden Street;
- Lots 79-81, 83 & 84-89, DP 40781-40783 & 40785-40791, No.'s 2-4 & 6-12 Kemp Place;
- Part of Lot 99, DP 262456, No. 1-22 Stroud Way;
- Lots 69-75, DP 42410-42416, No. 1-7 Donovan Place;
- Part of Lot 104, DP 262456, Edensor Road (Bunker Road Reserve);
- Part of Lot 102, DP 262456, No. 3 Bishop Crescent, Bonnyrigg.

Description of Development:

Subdivision of the subject site into 6 super lots, construction of 159 dwellings and ancillary works including site preparation/earthworks, stormwater drainage, servicing and landscaping, and subdivision thereof into 137 torrens title and 1 strata title lot (Stage 3).

You are advised that the subject development application has been granted a "**DEFERRED COMMENCEMENT**" consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979.

The consent does not become operative until you have satisfied the deferred commencement conditions in Schedule 'A'. If they are not satisfied within a period of twelve (12) months, the consent lapses.

The condition/s of **Schedule "A"** are set out as follows:

1. That amended plans be submitted to Council demonstrating the following:
 - a. That the location of driveways, particularly on corner allotments, achieve compliance with AS 2890.1:2004.
 - b. That all allotments for attached and detached housing achieve compliance with the lot sizes as required by the Bonnyrigg Masterplan. The lots that do not comply are identified as Lots 3110 & 3111, Lot 3214, Lot 3339, Lot 3340, Lot 3341, Lot 3408 and Lot 3504.

- c. That the apartment complex is provided with visitor car parking on site as required by the Bonnyrigg Masterplan at a rate of 1 space per 4 units.

The conditions of **Schedule "B"** are set out as follows:

CONDITIONS OF CONSENT – CONSTRUCTION OF DWELLINGS

APPROVED PLANS

1. Compliance with Plans and Conditions

The development shall take place in accordance with the approved development plans, except as modified in red by Council and/or any conditions of this consent.

2. Compliance with Reports

The development shall take place in accordance with the Statement of Environmental Effects prepared by Urbis, Report No. SA3338.Stage 3 SEE, dated December 2010, and all appendices submitted in support of the Development Application.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

3. Contract of Insurance or Owner-builder Permit

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

- a. 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.

4. Design Report for Energy Efficiency Installations for Buildings Class 2 - 9

Prior to the issue of a Construction Certificate, a design report shall be submitted to the Certifying Authority, demonstrating that the proposed building complies with the pertinent requirements of Section J – Energy

Efficiency of the Building Code of Australia. The design report shall identify and detail the methods required to achieve compliance with the Building Code of Australia.

5. Stormwater Drainage Design

Prior to the issue of a Construction Certificate, fully detailed stormwater drainage plans and specifications suitable for construction prepared by a suitably qualified consultant shall be submitted to and approved by the Principal Certifying Authority. The final plans shall be in accordance with the submitted stormwater concept plans and the overall "Water Cycle Management" report by Hughes Trueman, dated 2008 and shall comply with Fairfield City Council's Stormwater Drainage policy, Urban Area On-Site Detention Handbook, AUS-SPEC, AS 3500, the BASIX certificates for the dwellings and conditions of this consent.

The final stormwater plans shall in particular include the following:

- i. Provision of sufficient number of inlet pits designed to meet the requirements of the above policies and standards.
- ii. Incorporation of blockage factors specified in Council's Stormwater Drainage policy into the design of the stormwater drainage systems.
- iii. Minimum of 1.0 metre clearance between street pit lintels and vehicular crossing wings.
- iv. Location and details of overland flowpaths.
- v. Detailed drainage design for the individual lots including the apartment complex and parking areas in accordance with the above policies, standards and the "Water Cycle Management report".
- vi. Provision for the collection of stormwater runoff from Road 4, upstream of the footway in Road 3.

6. Stormwater Drainage Certificate

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

- 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 in accordance with Council's Stormwater Drainage Policy.

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.

7. Engineering Construction Certificate

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

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

8. Vehicular Crossing Application

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

9. Demolition and Construction Traffic Management Plan

A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access

arrangements and traffic control shall be submitted to Council for approval prior to the issue of Construction Certificate.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

10. Construction Certificate Required

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

11. Appointment of a Principal Certifying Authority

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

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

12. Notify Fairfield City Council of Intention to Commence Works

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

13. Sydney Water Consent

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

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

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

14. Kerb and Gutter Status Form

Prior to the commencement of any construction works on site, the applicant shall return the attached footpath/kerb and gutter form to

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

15. Erosion and Sedimentation Control

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

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

16. Toilet Facility

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

17. Sign During Construction

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

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

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

18. Interim / Final Occupation Certificate Required

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

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

19. Site Validation

Upon completion of any required remedial works, a Stage 4 Validation Report summarising the results of investigations into the premises contamination status, any remediation works completed and final validation sampling for the Stage 3 area, shall be carried out in accordance with the NSW EPA Contaminated Sites Guidelines.

The Stage 4 Validation Report will determine if the site has been validated for the residential purposes and if there is potential for future impact upon human health or the environment.

This Validation Report must then be submitted to and approved by a NSW EPA Accredited Site Auditor, confirming the suitability of the land for the intended use(s).

A copy of the Site Audit Report and Site Audit Statement issued by an accredited Site Auditor shall be submitted to Fairfield City Council prior to occupation of the development.

20. Ancillary Development Works Required

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

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

21. Smoke Alarm Certification

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

22. Termite Protection Certification

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

23. Basix Certification

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

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

24. Adjustments to Public Utilities

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

25. Mailbox Required

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

26. House Number Required

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

27. Building in Saline Environments

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

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

28. Environmental Report Certification

Prior to the issue of an Occupation Certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Fairfield City Council, stating that all works / methods / procedures / control measures / recommendations contained within the following documents and relevant to Stage 3 have been completed:

- Statement of Environmental Effects prepared by Urbis, Report No. SA3338.Stage 3 SEE, dated December 2010,
- Environmental Assessment Report (EAR) prepared by Urbis, Job No. SA3338, Report No. Concept Plan and Project Application.v12a, dated November 2007.
- Preferred Project Report (PPR) prepared by Urbis, Job No. SA3338, Report No. SA333.PPR-050608 Final, dated 5 June 2008 and the Revised Statement of Commitments dated November 2008.
- Bonnyrigg Masterplan prepared by Urbis, dated September 2008.
- Amended Voluntary Planning Agreement (VPA), dated July 2008.
- Bonnyrigg Infrastructure and Services Delivery Plan prepared by Bonyrigg Partnerships, Job Code SA3338, Report No. Bonnyrigg Infrastructure and Services Delivery Plan – 180608 – Finals, dated June 2008.
- Transport Management and Accessibility Plan (TMAP) prepared by SKM, Final Report, dated 28 October 2008.
- Stage 3 Environment and Construction Management Plan prepared by Mott MacDonald Hughes Trueman, Revision B, dated 25 November 2010.
- Stage 3 Storm Water Report prepared by Mott Macdonald Hughes Trueman, dated 25 November 2010.

- Water Cycle Management Report prepared by Hughes Trueman, Revision C, dated 5 August 2008.

29. Registration of Easements and Covenants

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

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

Terms of Easement

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

Terms of Positive covenant

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

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

structure and works and to the extent Section 88F(2)(a) of the Act is hereby agreed to be amended accordingly.

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

For the purposes of this covenant:

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

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

30. Certification for Drainage Works

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

31. Works on Adjacent Roads

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

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

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

32. Works-As-Executed Plans for Stormwater Drainage

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

33. Stormwater Drainage Easement

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

34. Adjustments to Public Utilities

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

GENERAL CONDITIONS

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

35. Compliance with Construction Certificate

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

36. Compliance with the Building Code of Australia

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

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

37. Compliance with Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council 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 Council with the name and address of the waste disposal facility where the fill materials will be disposed. The applicant must keep supporting documentation (dockets/receipts), which is to be produced upon request by Council.

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

38. Excavation and Backfilling

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

39. Retaining Walls

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

40. Filling within a Building Envelope

Filling shall be sourced on-site and shall remain wholly within the confines of the external walls. Any fill imported into the site to fill within the building envelope must meet the criteria of "Virgin Excavated Natural Material" as defined in EPA Environmental Guidelines – Assessment Classification and Management of Liquid and Non-Liquid Wastes 1999 and written verification provided to the satisfaction of the Principal Certifying Authority.

41. During Construction or Demolition

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

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

42. Method of Stormwater Drainage

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

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

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

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

43. Critical Stage Inspections

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

44. Tree Preservation Order

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

45. No Stopping

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

46. Vehicular Crossings

All vehicular crossings shall be located a minimum of one (1) metre from any utility pole, unless otherwise approved by the Service Authority.

47. Gradient of Driveways

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

48. Switchboards

Switchboards for utilities must generally not be attached to the front elevation of the building(s) unless they are able to be located in an unobtrusive location.

49. Clothes Drying Areas

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

50. Landscape Protection Works

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

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

51. Bus Shelters

Council's Assess Section and the local bus companies shall be consulted in relation to the location and installation of internal local bus shelters and seats.

52. Garage Dimensions

The dimensions of all enclosed garages shall comply with AS/NZS 2890.1:2004.

CONDITIONS OF CONSENT – SUBDIVISION

APPROVED PLANS AND REPORTS

53. Compliance with Plans

The development shall take place in accordance with the approved development plans as prepared by Vince Morgan Surveyors, reference no. 15785-3C4, dated 25 November 2010, 15785-3C6, dated 29 November 2010, except as modified in red by Council and/or any conditions of this consent.

54. Environmental Reports Certification

Prior to the issue of an Occupation Certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Fairfield City Council, stating that all works / methods / procedures / control measures / recommendations contained within the following documents and relevant to Stage 3 have been completed:

- Statement of Environmental Effects prepared by Urbis, Report No. SA3338.Stage 3 SEE, dated December 2010,
- Environmental Assessment Report (EAR) prepared by Urbis, Job No. SA3338, Report No. Concept Plan and Project Application.v12a, dated November 2007.
- Preferred Project Report (PPR) prepared by Urbis, Job No. SA3338, Report No. SA333.PPR-050608 Final, dated 5 June 2008 and the Revised Statement of Commitments dated November 2008.
- Bonnyrigg Masterplan prepared by Urbis, dated September 2008.
- Amended Voluntary Planning Agreement (VPA), dated July 2008.
- Bonnyrigg Infrastructure and Services Delivery Plan prepared by Bonnyrigg Partnerships, Job Code SA3338, Report No. Bonnyrigg Infrastructure and Services Delivery Plan – 180608 – Finals, dated June 2008.
- Transport Management and Accessibility Plan (TMAP) prepared by SKM, Final Report, dated 28 October 2008.

- Stage 3 Environment and Construction Management Plan prepared by Mott MacDonald Hughes Trueman, Revision B, dated 25 November 2010.
- Stage 3 Storm Water Report prepared by Mott Macdonald Hughes Trueman, dated 25 November 2010.
- Water Cycle Management Report prepared by Hughes Trueman, Revision C, dated 5 August 2008.

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.

55. Subdivision Certificate Release Fee

The payment to Council of a Subdivision Certificate release fee 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;

**Super Lot 1: \$1,520.00,
Super Lot 2: \$2,565.00,
Super Lot 3: \$2,565.00 (part 1), \$1,330.00 (part 2),
Super Lot 4: \$2,660.00,
Super Lot 5: \$665.00,
Super Lot 6: \$1,710.00 (Part lot)**

56. Issue of Strata Certificate

Should Council be nominated to issue the Strata Certificate, Council will require the final plan proposed to be lodged with the Office of Land and Property Information and six (6) copies thereof. A fee in accordance with Council's Annual Schedule Fees and Charges is applicable for issue of a Strata Certificate. 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 final plan of subdivision. At the time of issue of the development consent this fee is:

Part Super Lot 6 \$1,540.00

57. Engineering Works Inspection Fee

The payment to Council of 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.

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.

58. Satisfactory Access to all Lots

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

59. 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 issued with an Engineering Construction Certificate by an Accredited Certifier or by Fairfield City Council. The control measures detailed in the approved plan shall be implemented prior to commencement of any works, including stripping or clearing, on site.

60. 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.

61. Alignment of Roadway

The alignment of Baresden Street, Kemp Place, Roads 1, 2, 3 and 4 to be in accordance with plans issued with an Engineering Construction Certificate by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

62. Construction of Roadway

The construction of full width of part Baresden Street, part Kemp Place, Roads 1, 2, 3 and 4 adjacent to the proposed allotments in accordance

with plans and specifications issued with an Engineering Construction Certificate by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

63. Dedication of Roadway

The dedication to the public as road on the final plan of subdivision at no cost to Council of proposed roads 1, 2, 3 and 4.

64. Road Construction Plans

Road construction shall not commence until the plans and specifications giving full details of the proposed construction have been issued with an Engineering Construction Certificate by an Accredited Certifier or by Fairfield City Council.

65. Redundant Vehicular Layback

The redundant vehicular layback adjacent to the subject subdivision shall be removed and replaced with the appropriate kerb and gutter in accordance with Council's specifications.

66. 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.

67. 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.

(Environmental Planning & Assessment Regulation 2000 Section 98A).

68. Works as Executed Drawings

Following completion of the works the applicant shall provide a detailed "work as executed" drawing signed by a registered surveyor showing the finished surface levels of the access, interallotment drainage, road and drainage works and any lot filling, carried out under this consent.

NOTE: Council will not accept "work as executed" plans with coloured highlighter markings on the plans. All dimensions and levels are to be handwritten in blue or red pen only.

69. Lot Filling

Any lot filling operations to be carried out in accordance with this consent shall be compacted and tested in accordance with AS 3798, Guidelines for Commercial and Residential Development. A report from a suitably qualified Geotechnical Engineer shall be submitted in this regard.

70. Validation of Fill

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

71. Wheel Wash Facility

All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council roads. In order to achieve this, a wheel wash facility shall be constructed prior to any truck movements occurring. A plan and operational guidelines for the wheel wash facility shall be submitted for approval prior to the commencement of the removal of fill material from the site. Any direction of Council with regard to cleansing trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

72. Monitoring of State of Roadways

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

73. Backfilling of Trenches

After laying and jointing of pipes has been carried out and passed by the Engineer, backfilling of the trenches shall proceed.

Trenches shall be filled with sand, gravel or metal dust to at least the level of the horizontal diameter of the pipes, filling being placed evenly on both sides of pipes and thoroughly compacted. Where the pipeline crosses any carriageway, footpath, pathway or road shoulder or is laid in

the line of the kerb and gutter, the remainder of the trench shall be backfilled with sand, and thoroughly compacted. Where a pipeline is laid under an existing road, restoration of the road pavement and surfacing shall be made to the Engineer's requirements.

At other locations, the remainder of the trench shall be carefully filled with approved filling, free from large stones, or sods, well rammed and watered, if necessary. Filling shall be moulded up over the position of the pipe trenches and well compacted. Any subsidence shall be rectified to the Engineer's satisfaction.

Sand or other approved granular material used for filling shall contain not more than 5% by weight of particles passing a 0.075mm sieve and shall be placed in layers not thicker than 225mm loose. The material shall be compacted to at least 70% relative density as determined from tests AS 1289.5.5.1-1998 of the SAA Code Methods of Testing Soils for Engineering Purposes, AS 1289 as amended.

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.

74. Inter-Allotment Drainage Construction

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

75. Easements for all Services

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

76. Registered Surveyor Certification

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

77. 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 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

78. Integral Energy Notification of Arrangement

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

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

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

79. 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.

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

GENERAL CONDITIONS

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

80. Easements for Support

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

81. Fencing Restrictive Covenant

The creation of a restrictive covenant over following proposed Torrens and Strata Lots that no fencing shall be erected without Council approval and that all fencing shall be in accordance with Council's Fencing Code:

- Lot 3019, Lot 3213, Lot 3401, Lot 3411, Lot 3416, Lot 3428, Lot 3501, Lot 3502, Lot 3601, Lot 3618, Proposed Strata Lot.

82. Dedication of Road Splay

The dedication to the public as road on the final plan of subdivision at no cost to Council, of a 3m x 3m splay on the;

- Cnr Barseden Street and Bunker Parade adjacent to proposed lot 3109,
- Cnr Barseden Street and Bunker Parade adjacent to proposed lot 3213,
- Cnr Kemp Place and Barseden Street adjacent to proposed lot 3401,
- Cnr Barseden Street and Road 1 adjacent to proposed lot 3411,
- Cnr of Road 1 and Road 2 adjacent to proposed lot 3416,
- Cnr Kemp Place and Road 1 adjacent to proposed lot 3428,
- Cnr of Road 1 and Kemo Place adjacent to proposed lot 3501,
- Cnr of Road 1 and Road 3 adjacent to proposed lot 3502,
- Cnr of Road 2 and Road 3 adjacent to proposed lot 3601,
- Cnr of Road 1 and Road 3 adjacent to proposed lot 3618,
- Cnr Road 4 and Road 2 and Cnr of Road 4 and Road 3 (proposed strata apartment block).

83. Registration of Easements and Covenants

Prior to the issue of the final Occupation Certificate, proof of the creation of reciprocal easements and positive covenants to drain water and maintain gutters, downpipes and stormwater lines shall be submitted to

the Principal Certifying Authority for proposed lots where the roof stormwater encroaches an adjoining property.

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

Terms of Easement

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

Terms of Positive covenant

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

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

- i. The registered proprietor(s) will:
 - (a) Keep the structure and works clean and free from silt, rubbish and debris;
 - (b) Maintain and repair at the sole expense of the registered proprietor(s) the whole of the structure and works so that it functions in a safe and efficient manner.
- ii. For the purpose of ensuring observance of the covenant the Council may by its servants or agents at any reasonable time of the day upon giving to the person against whole the covenant is enforceable not less than two days notice (but at any time without notice in the case of an emergency) enter the land and view the condition of the land and the state of construction maintenance or repair of the structure and works on the land.
- iii. By written notice the Council may require the registered proprietor(s) to attend to any matter and to carry out such work within such time as the Council may require to ensure the proper and efficient performance of the structure and works and to the extent Section 88F(2)(a) of the Act is hereby agreed to be amended accordingly.
- iv. Pursuant to Section 88F(3) of the Act the authority shall have the following additional powers pursuant to this consent:

- (c) in the event that the registered proprietor(s) fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorized agents may enter the land with all necessary equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in 3 hereof;
- (d) the Council may recover from the registered proprietor(s) in a Court of competent jurisdiction:
 - iii. any expense reasonably incurred by it in exercising its powers under subparagraph (a) hereof. Such expense shall include reasonable wages for the Council's own employees engaged in effecting the said work, supervising the said work and administering the said work ;
 - iv. legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to 88F of the Act, or providing any certificate required pursuant to Section 88G of the Act, or obtaining any injunction pursuant to Section 88H of the Act.
- v. This covenant shall bind all persons who claim under the registered proprietor(s) as stipulated in Section 88E(5) of the Act.

For the purposes of this covenant:

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

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