

**DRAFT CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO.** 422.1/2017**SYDNEY SOUTH WEST PLANNING PANEL NO.** 2017SSW046**PROPERTY:**

Part of Lot 12, DP 1143255	14A Shoemaker Place
Lots 230, 231 & 232, DP 262449	No.'s 12 - 14 Laycock Place
Lot 233, DP 262449	No. 2 Palisade Crescent
Lots 234, 253, 254, 255 & 417, DP 262449	No.'s 40, 36, 34, 32 & 42 Newleaf Parade
Lots 236, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250 & 251, DP 262449	No.'s 2 & 4 - 17 Shoemaker Place
Lots 256, 257, 258 & 259	No.'s 1 - 4 Shearing Place
Lots 267, 268 & 269	No.'s 6, 4 & 2 Wall Place
Lot 270, DP 262455	No. 12 Tarlington Parade
Lots 273, 274, 275, 276, 277, 278 & 279, DP 262455	No.'s 3 - 9 Stubbs Place
Lots 282, 283, 284 & 285, DP 262455	No.'s 1 - 4 Kain Place
Lots 280, 281, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295 & 296, DP 262455	No.'s 1 - 2 & 4 - 14 Bean Place, Bonnyrigg

**DESCRIPTION OF DEVELOPMENT:**

Newleaf Bonnyrigg Renewal Project - Stages 6a & 7 comprising Torrens Title Subdivision (to create 121 Torrens Title Lots, 2 Development lots and 4 residue lots), Construction of 161 dwellings (comprising 75 detached, 46 attached dwellings and 40 garden apartments) and associated road, landscape and public domain works.

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**APPROVED PLANS****1. Compliance with Plans**

The development shall take place in accordance with the approved development plans as prepared by Arcadis Australia Pacific Pty Ltd, listed below, except as modified in red by Council and/or any conditions of this consent.

<b>Subdivision Plan as prepared by Vince Morgan Surveyors</b>			
<b>Sheet No.</b>	<b>Rev</b>	<b>Title</b>	<b>Date</b>
19576-6-7L7	-	Stage 6a & 7 Plan of Proposed Subdivision	13.03.18
<b>Architectural Drawings as prepared by DKO Architecture, Project Number 10727</b>			
DA000	-	Cover Page	-
DA100	B	Site Analysis	21.02.18
DA101	B	Site Plan Ground	21.02.18
DA102	B	Site Plan Ground	21.02.18
DA103	A	Site Plan First	11.07.17
DA104	A	Site Plan First	11.07.17
DA105	A	Site Plan Roof	11.07.17
DA106	A	Site Plan Roof	11.07.17
DA200	A	Ground Floor Plan 1	11.07.17
DA201	A	First Floor Plan 1	11.07.17
DA202	A	Roof Plan 1	11.07.17
DA203	A	Ground Floor Plan 2	11.07.17
DA204	A	First Floor Plan 2	11.07.17
DA205	A	Roof Plan 2	11.07.17
DA206	A	Ground Floor Plan 3	11.07.17
DA207	A	First Floor Plan 3	11.07.17
DA208	A	Roof Plan 3	11.07.17
DA209	B	Ground Floor Plan 4	21.02.18
DA210	A	First Floor Plan 4	11.07.17
DA211	A	Roof Plan 4	11.07.17
DA212	B	Ground Floor Plan 5	21.02.18
DA213	A	First Floor Plan 5	11.07.17
DA214	A	Roof Plan 5	11.07.17
DA215	A	Ground Floor Plan 6	11.07.17
DA216	A	First Floor Plan 6	11.07.17
DA217	A	Roof Plan 6	11.07.17
DA218	A	Ground Floor Plan 7	11.07.17
DA219	A	First Floor Plan 7	11.07.17
DA220	A	Roof Plan 7	11.07.17
DA300	A	Elevations – Streetscape	11.07.17
DA301	A	Elevations – Streetscape	11.07.17
DA302	A	Elevations – Streetscape	11.07.17
DA400	A	Shadows – 21 June 9am	11.07.17
DA401	A	Shadows – 21 June 10am	11.07.17
DA402	A	Shadows – 21 June 11am	11.07.17
DA403	A	Shadows – 21 June 12pm	11.07.17
DA404	A	Shadows – 21 June 1pm	11.07.17
DA405	A	Shadows – 21 June 2pm	11.07.17
DA406	A	Shadows – 21 June 3pm	11.07.17
DA407	A	Shadows – 21 June 9am	11.07.17
DA408	A	Shadows – 21 June 10am	11.07.17

DA409	A	Shadows – 21 June 11am	11.07.17
DA410	A	Shadows – 21 June 12pm	11.07.17
DA411	A	Shadows – 21 June 1pm	11.07.17
DA412	A	Shadows – 21 June 2pm	11.07.17
DA413	A	Shadows – 21 June 3pm	11.07.17
-	B	Parking Plan	20.07.17
<b>Dwelling Houses Series 6100</b>			
Cover Page, Floor Plans Roof Plan, Elevations, Sections and Basix Plans for Lots 6101 to 6150, Dated 27 July 2017			
<b>Dwelling Houses Series 6200</b>			
Cover Page, Floor Plans Roof Plan, Elevations, Sections and Basix Plans for Lots 6201 to 6224, Project number, Dated 27 July 2017			
<b>Dwelling Houses Series 7100</b>			
Cover Page, Floor Plans Roof Plan, Elevations, Sections and Basix Plans for Lots 7101 to 7128, Project number 10727, Dated 27 July 2017			
<b>Dwelling Houses Series 7200</b>			
Cover Page, Floor Plans Roof Plan, Elevations, Sections and Basix Plans for Lots 6101 to 6150, Project number 10727, Dated 27 July 2017			
<b>Bonnyrigg S6a-7 Apartments – Private</b>			
DA000/01	B	Cover Page	21.02.18
DA100/01	B	Ground Floor	21.02.18
DA100/02	B	First Floor	21.02.18
DA100/03	B	Second Floor	21.02.18
DA100/04	B	Roof	21.02.18
DA200/01	B	Elevations	21.02.18
DA200/02	B	Elevations	21.02.18
DA300/01	A	Sections AA & BB	25.07.17
DA400/01	A	Shadow Diagrams	25.07.17
DA400/02	A	Shadow – C.O.S	25.07.17
DA400/03	A	Eye of the sun	25.07.17
DA500/01	A	GFA	25.07.17
DA500/02	A	Communal Open Space	25.07.17
DA500/03	A	Deep Soil	25.07.17
DA500/04	A	Cross Ventilation	25.07.17
DA500/05	A	Solar Analysis	25.07.17
DA500/06	A	Apartment Mix	25.07.17
DA500/07	A	Adaptable Apartments	25.07.17
DA600/01	B	Apartment Types	21.02.18
DA600/02	A	Adaptable Apartments	25.07.17
<b>Bonnyrigg S6a-7 Apartments – Public</b>			
DA000/01	B	Cover Page	21.02.18
DA100/01	B	Ground Floor	21.02.18
DA100/02	B	First Floor	21.02.18
DA100/03	B	Second Floor	21.02.18
DA100/04	B	Third Floor	21.02.18
DA100/05	B	Roof	21.02.18
DA300/01	A	Sections AA & BB	27.07.17
DA400/01	A	Shadow Diagrams	25.07.17

DA400/02	A	Shadow – C.O.S	25.07.17
DA400/03	A	Eye of the sun	25.07.17
DA500/01	A	GFA	25.07.17
DA500/02	A	Communal Open Space	25.07.17
DA500/03	A	Deep Soil	25.07.17
DA500/04	B	Cross Ventilation	21.02.17
DA500/05	A	Solar Analysis	25.07.17
DA500/06	A	Apartment Mix	25.07.17
DA600/01	A	Apartment Types	25.07.17
<b>Civil Engineering Plans as prepared by Arcadis Australia Pacific Pty Ltd, Project Number AA004421,</b>			
C0600	4	Cover Sheet and Drawing List	07.02.18
C0601	4	General Arrangement Plan	07.02.18
C0602	4	Notes and Legend	07.02.18
C0605	5	Sediment and Erosion Control Plan	07.02.18
C0606	4	Sediment and Erosion Control Details	07.02.18
C0608	4	Bulk Earthworks Plan	07.02.18
C0609	4	Bulk Earthworks Sections	07.02.18
C0610	5	Siteworks and Stormwater Drainage Plan 1	07.02.18
C0611	4	Siteworks and Stormwater Drainage Plan 2	07.02.18
C0612	5	Siteworks and Stormwater Drainage Plan 3	07.02.18
C0613	4	Siteworks and Stormwater Drainage Plan 4	07.02.18
C0614	5	Siteworks and Stormwater Drainage Plan 5	07.02.18
C0620	4	Road Control Line Set out Plan	07.02.18
C0621	4	Road Longitudinal Sections Sheet 1	07.02.18
C0622	4	Road Longitudinal Sections Sheet 2	07.02.18
C0623	4	Road Longitudinal Sections Sheet 3	07.02.18
C0630	4	Typical Road Cross Sections	07.02.18
C0650	4	Pavement and Line marking Plan	07.02.18
C0660	4	Stormwater Drainage Catchment	07.02.18
C0685	4	Services Coordination Plan Sheet 1	07.02.18
C0686	4	Services Coordination Plan Sheet 2	07.02.18
C0687	4	Services Coordination Plan Sheet 3	07.02.18
C0688	4	Services Coordination Plan Sheet 4	07.02.18
C0689	4	Services Coordination Plan Sheet 5	07.02.18
C0695	4	Turning Paths Plan	07.02.18
SK043-1	01	Parking Plan Sheet 1	21.07.17
SK043-2	01	Parking Plan Sheet 2	21.07.17
SK043-2	01	Parking Plan Sheet 2	21.07.17
<b>Landscape Plans as prepared by Site Image Landscape Architects Pty Ltd, Job Number SS15-3035</b>			
0000	C	Landscape Cover Sheet	21.07.17
0001	C	Landscape Plant Schedule	21.07.17
0002	C	Softworks Images	21.07.17
0003	C	Hardscape Images	21.07.17
0010	C	Tree Removal Plan	21.07.17
0020	E	Landscape Fencing Plan	23.02.18
0100	E	Landscape Masterplan	23.02.18

0101	E	Landscape Plan Sheet 1	23.02.18
0102	E	Landscape Plan Sheet 2	23.02.18
0103	E	Landscape Plan Sheet 3	23.02.18
0104	E	Landscape Plan Sheet 4	23.02.18
0105	E	Landscape Plan Sheet 5	23.02.18
0106	E	Landscape Plan Sheet 5	23.02.18
0501	C	Landscape Details	21.07.17
502	C	Landscape Details	21.07.17
503	C	Landscape Details	21.07.17
504	C	Landscape Details	21.07.17
505	C	Landscape Details	21.07.17

- Statement of Environmental Effects as prepared by Urbis, Project Code SA3338 dated August 2017;
- Waste Management Plan as prepared by Elephants Foot Recycling Solutions, dated 28 March 2018;
- Design Verification Statement (Private Apartments) as prepared by DKO Architecture, dated July 2017;
- Design Verification Statement (Private Apartments) as prepared by DKO Architecture, dated July 2017;
- Parking Assessment as prepared by Mott Macdonald, Reference No. 374362, dated 28 July 2017,
- Parking Diagrams as prepared by Bonnyrigg Partnerships, Drawing number SKC300, Revision A and S03-P01 Revision B; and
- Stormwater Drainage Plan as prepared by Arcadis, Revision 4, dated 27 July 2017.
- Response Letter to Council prepared by SMEC, Reference No. 300178141, Revision 1, dated 7 May 2018

## 2. Amendments

The following amendments shall be incorporated into the design and approved by the Manager of Development Planning within Fairfield City Council, prior to the issue of a Construction Certificate:

- The dwellings located on lots 6138, 6139, 7113, 7114, 7213 and 7214 shall be redesigned to accommodate 3 hours of solar access during the mid-winter solstice to the principal living areas and private open space. Alternatively the number of dwellings shall be reduced in order to comply with the lot dimensions as specified within the Bonnyrigg Masterplan (updated 2012).
- The dwelling located on Lot 7111 shall be relocated further south in order to provide a 4.5m front setback to the building line.

### 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. 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.**

#### **3. 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.

#### **4. Erosion and Sediment Control Plan**

Prior to the commencement of any demolition or civil works, an updated Erosion and Sediment Control Plan shall be submitted to and approved by Fairfield City Council. The Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Council's Erosion and Sediment Control Policy. The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity. Furthermore, the Erosion and Sediment Control Plan shall address the following:

- The Sediment and Erosion Control Plan needs to include procedures for dewatering the sediment basins and measures highlighting the increased overland flow protection.
- Review of single entry and exit point to the expansive site; as past experience has shown that this unworkable for a site of this size. With additional identified entry points specified on the sediment and erosion plan and specified.

**5. Site Investigation Detailed**

- a. Prior to the issue of a Construction Certificate, the services of a suitably qualified and experienced consultant shall be engaged to conduct a Detailed Site Investigation (Stage 2) before the commencement of demolition works. The investigation shall be carried out in accordance with the ANZECC/NHMRC and Environment Protection Authority Guidelines and shall clearly indicate the degree and source of contaminates present on the site.
- b. Should site investigations reveal that the site has been contaminated the consultant shall specify remedial action acceptable to the Environment Protection Authority. After the completion of the remedial works the consultant shall then certify that the site has been remediated in accordance with the Environment Protection Authority requirements and is not considered to be contaminated.
- c. Should site investigations reveal the absence of contamination, the consultant shall certify that the investigation was conducted in accordance with the aforementioned guidelines and that the site is not considered to be contaminated.

**6. Sydney Water Consent**

The plans must be assessed by Sydney Water Tap in to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site <https://tap-in.sydneywater.com.au> for:

- See the Building plan approvals section on the Tap in site, and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

Or telephone 13 20 92

**7. On-site Detention Design Certificate**

Prior to the issue of a Construction Certificate, a certificate from a suitably qualified person shall be submitted to the Certifying Authority certifying that the drainage system has been designed to comply with:

- a. Council's Stormwater Management Policy 2017
  - i. To restrict the total discharge from site to current site discharge for all storms up to and including the 100 year storm events;

- ii. To restrict the peak discharge from the site for 100 year 9-hour storm event to 140/L/s/ha.
- iii. DRAINS model needs to be updated to incorporate Council's adopted parameters

**8. Construction Certificate (Engineering Approval)**

Prior to the issue of a Building Construction Certificate, a Construction Certificate (Engineering Approval) shall be submitted to the Certifying Authority for the construction of road works and associated drainage and Interallotment drainage works in accordance with approved plans and specifications at no cost to Council.

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

**9. Vehicular Crossing Application**

Prior to the issue of a Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council. Access to the proposed dwellings shall be via standard vehicular crossings in accordance with Council's requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole, street pits including lintels.

**10. Final Stormwater Drainage Plans**

The Engineering Construction Certificate application shall include final detailed stormwater drainage plans and specifications suitable for construction, prepared by a suitably qualified Civil Engineer experienced in stormwater analysis and design. The final plan shall be in accordance with the above mentioned stormwater concept plan and shall comply with the Fairfield City Council's Stormwater Management Policy 2017, the BASIX requirements and with AS3500.

The final plan shall be amended to ensure the following:

- a. The OSD basin shall be amended to be consistent with the modifications for an increase in OSD volume and provision of an overflow weir proposed in the Response Letter prepared by SMEC, Reference No. 300178141, Revision 1, dated 7 May 2018. A pool-type fence shall be provided around the entire perimeter of the OSD.
- b. A structural engineering certificate shall be provided for all retaining walls in excess of 600mm in height.
- c. Lots sloping to the front shall be drained by gravity system to the street. Lots sloping to the rear shall be drained by gravity system via inter-allotment drainage.



- d. Stormwater pipes within road verges shall be amended to be consistent with the proposed modifications in the Response Letter prepared by SMEC, Reference No. 300178141, Revision 1, dated 7 May 2018.
- e. All stormwater pipe sizes, invert levels and grades shall be provided on the final stormwater drainage plan.
- f. All stormwater pit sizes, surface and invert level shall be provided on the final stormwater drainage plan.

**11. Final Stormwater Drainage Plans for Development on Proposed Lots**

The Construction Certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a suitably qualified and experienced stormwater drainage consultant. The consultant's qualifications shall be included on the stormwater plan.

The final plans shall be in accordance with:

- a. *Fairfield City Council's Stormwater Management Policy 2017*,
- b. *AS 3500*,
- c. *the BASIX certificate*

and conditions of this consent.

**12. Stormwater Drainage Certificate**

Prior to the issue of a Construction Certificate, a certificate from a suitably qualified person 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 to an Average Recurrence Interval of not less than that in accordance with Council's Stormwater Drainage Policy.

**13. Communal Open Space**

The communal open space area shall be further embellished to include additional outdoor facilities and landscaping including, but not limited to the provision of trees and ground cover plantings, garden beds, shade structures, seating and BBQ facilities in order to provide a high quality recreation area. Prior to the issue of a Construction Certificate updated site plans and details demonstrating these embellishments shall be submitted and approved by the Manger of Development Planning at Fairfield Council.

**14. Fees and Charges**

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of the following fees shall be submitted to the Certifying Authority:

- |                                   |                  |
|-----------------------------------|------------------|
| a. Kerb and Gutter Inspection Fee | <b>\$115.00</b>  |
| b. Kerb and Gutter Damage Deposit | <b>\$2341.00</b> |

**15. 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.

**16. Updated Landscape Plans Certified by Landscape Architect**

- a. The landscape plans shall be updated to incorporate the following amendments:
  - i. Delete Bronze Cottonwood species and replace with a variety of alternative shade tree species;
  - ii. Delete Jacaranda trees and replace with a variety of alternative shade tree species; and
  - iii. Delete Kidney Weed species and replace with a variety of alternative corner plantings.
- b. Prior to the issue of a Construction Certificate, the updated landscape plans prepared and certified by a qualified landscape architect and designed in accordance with Fairfield Council's Landscape Policy shall be submitted to and approved by the Manager of Development Planning.

Landscape plans shall contain the following information:

- i. Outline of the proposed building;
- ii. Existing trees (height and location);
- iii. Trees to be removed;
- iv. Proposed planting (quantity, species, and expected mature height);
- v. Proposed earth mounding;
- vi. Paths and paving (location and materials);
- vii. The method of planting and the proposed maintenance program; and
- viii. Details of lighting, fencing, seating and paving, where relevant.

The landscaping shall be of a scale that will match the scale of the development. Landscaping shall be designed to complement and enhance the development and where applicable, screen such features as open storage areas, carparks, loading docks and garbage storage areas.

### 17. Design Verification

Prior to the issue of a Construction Certificate, a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, shall be submitted to the Principal Certifying Authority.

### 18. Service Provider Requirements

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

**Endeavour Energy** – A letter of consent showing satisfactory arrangements have been made to service the proposed development.

### 19. 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 Fairfield City Council for approval prior to the issue of any Construction Certificate.

### 20. External Storage

Prior to the issue of a Construction Certificate, detail plans shall be submitted and approved by the Manager of Fairfield City Council, that provides details regarding the external storage arrangements proposed for the dwellings which occur in an acceptable manner and does not detract from the streetscape.

## 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.**

### 21. 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.

### 22. **Appointment of a Principal Certifying Authority**

Prior to the commencement of any construction works, the person having benefit of a Development Consent, must:

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

### 23. **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.

### 24. **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 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.

### 25. **Erosion and Sedimentation Control**

Prior to the commencement of any construction works on site, controls in accordance with **Chapter 3.12 of the Fairfield City Wide DCP 2013** 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 Council Officers and all contractors undertaking works on the site.

**Note:** On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

### 26. 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.

### 27. Home Warranty Insurance/Owner Builders Permit/Builders Details

The person having benefit of this Development Consent shall determine whether if any of the following information is to be submitted to their appointed Principal Certifying Authority before any building work, related to this specific development, commences on site:

- a. Contract of Insurance (Home Warranty Insurance) in accordance with Part 6 of the Home Building Act 1989
- b. Name of the owner builder and the number of the owner builder permit
- c. Name of the principal contractor and the name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989

*Please Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information detailed above becomes out of date, further work must not be carried out until Council is provided with written amended details.*

### 28. Required Signage

For building, subdivision or demolition work that will affect the external walls of the building, signage shall be installed in a prominent position detailing:

- The name, address and telephone number of the principal certifying authority for the work; and
- The name of the principal contractor (if any) of the building work and a telephone number on which that person may be contacted outside working hours; and
- Stating that unauthorised entry to the work site is prohibited.

This sign shall be maintained while the building, subdivision or demolition work is being carried out and must be removed when the work has been completed.

### 29. Final Site Audit Statement

The services of a suitably qualified and experienced consultant shall be engaged to provide Final Site Audit Statement for stage 6a prior to the commencement of civil works.

Note: The works required to remove the asbestos needs to be clearly delineated from the civil works so as to reduce the likelihood of exposure to contaminants.

**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.**

**30. 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.

**31. BASIX Certification**

Prior to the issue of an Occupation Certificate (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 BASIX Certificate No. 1012288849.

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 and the Consent Authority.

**32. Works As Executed Plans for Road and Drainage Works**

Prior to the issue of an Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the road and drainage works have been constructed as approved shall be submitted to the Private Certifier and Council.

**33. Works-As-Executed Plans for Stormwater Drainage on Proposed Lots**

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.

**34. Certification for Road and Drainage Works**

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

**35. On Site Detention – Works-As-Executed**

On completion of the drainage works and prior to Occupation, Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the Principal Certifying Authority to verify that the drainage works have been completed in accordance with the approved plans. The following details are to be on the Works-As-Executed plans and shall be marked in red on a copy of the original plan approved at the Construction Certificate stage.

- b. Sufficient levels and dimensions to verify the On-Site Detention storage volumes.
- c. Location and surface levels of all drainage pits, weir levels and dimensions.
- d. Invert levels of - the internal drainage lines.
  - orifice plates.
  - outlet control pit.
- e. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
- f. Verification that a trash screen is installed.
- g. Location and levels of any overland flow paths through the site.
- h. Details of any variations made from approved plans.

**36. Registration of Restriction On Use and Positive Covenant over OSD System**

Prior to the issue of the Final Occupation Certificate, proof of the creation of a 'Restriction on Use of Land' and 'Positive Covenant' over the on-site detention system in accordance with Council's Stormwater Management Policy shall be submitted to the Principal Certifying Authority.

**37. On-Site Detention – Certification of Works**

A Certificate shall be issued to the Principal Certifying Authority upon completion of the drainage works and prior to issue of the Occupation Certificate certifying the following:

- a. That the on-site detention system will function in accordance with the approved drainage design.
- b. Any variations from the approved drainage design.
- c. That these variations will not impair the performance of the On-Site Detention system, or alternatively provide details of the remedial works required to make the system function according to design control standards.

**38. 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 ridge height of the proposed dwellings has been constructed in accordance with the approved plans.

**39. 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.

**40. OSD – Marker Plate**

Each on-site detention basin shall be indicated by fixing a standard marker plate, details of which are as follows:

Minimum size: 150mm x 100mm

Material: Non Corrosive metal or 4mm thick laminated plastic

Location: Fixed in a prominent position to the nearest concrete or permanent surface and be above the expected water level in the basin. If in doubt, contact Council on 9725-0222.

Wording: A minimum letter height of 5mm is required.  
The wording is to consist of:-

**THIS IS AN ON-SITE DETENTION STRUCTURE  
DO NOT TAMPER WITH,  
CONTACT FAIRFIELD CITY COUNCIL PRIOR  
TO ANY PROPOSED WORKS IN THIS AREA**

The marker plate is to be attached prior to occupation of the proposed development.

**41. Design Verification**

Prior to the issue of an Occupation Certificate, a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, shall be submitted to the Principal Certifying Authority.



### 42. **Full Width Footpath Paving**

Prior to the issue of the Final Occupation Certificate, full width concrete footpath paving shall be constructed for the full road frontage within the subject site. The developer shall complete any necessary transitioning to the existing footway beyond the boundary of this property at no cost to Council.

### 43. **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 for each dwelling.

### 44. **House Number Required**

Prior to the issue of the Final Occupation Certificate, the applicant shall contact Council's Information Management branch on phone 9725 0384 to request allocation of house numbers, and where appropriate, unit numbers. The numbers shall be placed on the mailbox and on the buildings in a readily visible location.

### 45. **Intercom Entrance Lobby Required**

Prior to the issue of the Final Occupation Certificate, a hard-wired intercom system shall be provided within the lobby of the residential flat buildings adjacent to the mailbox, to alert occupants of any visitors.

### 46. **Landscape Certificate**

Prior to the issue of an Occupation Certificate (Interim or Final), a Landscape Certificate from a qualified landscape architect, certifying that the completed landscape works on site are in accordance with the approved landscape plans shall be submitted to Principal Certifying Authority and Fairfield City Council.

### 47. **Community Facilities**

The construction of the community facilities shall be carried out in accordance with the letter of commitment as prepared by NSW Land and Housing Corporation, Reference Number 17/18531 and endorsed at Council's Ordinary meeting dated 12 December 2017 (letter attached to this consent).

As identified within the Letter of Undertaking, prior the issue of any occupation certificate for dwellings in Stages 6a and 7, construction of the community facilities including the Community Centre and Community Gardens shall commence, and the construction of the community facilities and associated car parking facilities shall be completed within twelve (12) months of the commencement of construction.

The construction of the community facilities shall be completed prior to the issue of an occupation certificate for any dwellings within future stages of the Bonnyrigg Masterplan Approval.

### **48. Subdivision to be Finalised**

Prior to the issue of an Occupation Certificate, the subdivision creating the allotments shall be finalised and the linen plan registered by Land and Property Information.

## **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.**

### **49. 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).

### **50. Administration Fee for the Lodgement of Certificates**

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

### **51. 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.

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

**52. 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.

**53. Method of Stormwater Drainage**

The stormwater drainage generated from the Bonnyrigg Stage 6A and 7 development shall be directed via the following:

- a. Western Catchment 1 – to the Central Drainage Reserve via existing street pipeline at Shoemaker Place.
- b. Western Catchment 2 – to the Central Drainage Reserve via existing street pipeline at Tarlington Parade.
- c. Eastern Catchment 1 – to Palisade Crescent via temporary on-site detention basin
- d. Eastern Catchment 2 – to Palisade Crescent via existing street pipeline at Laycock Place.

**54. Encroachment of Easements**

- a. This consent does not authorise the encroachment or overhang of any stormwater drainage easement. Any encroachment of other easements must be separately approved by the relevant service authority and evidence of any consent shall be submitted to the Principal Certifying Authority.
- b. The structures shall not exert any loads on the utilities within the easements. Maintenance works may be required on the utilities and therefore the structures shall be designed such that a trench can be excavated to enable replacement of the existing utilities without affecting the stability of the structure.
- c. The proposed structures shall not encroach (including overhangs and footings) onto the easement located within this property.

**55. 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.

**56. 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.

**57. 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.

**58. Landscaping to be Completed**

The provision and maintenance of landscaping in accordance with the updated landscape plan including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

**59. Clothes Drying Areas**

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

**60. Schedule of Finishes**

The development is to be constructed and finished in the materials and colours contained within the approved architectural drawings.

All other building materials shall be compatible in type, colour and texture throughout the whole project.

**61. Deliveries and On-site Manoeuvring**

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.

- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. No articulated / heavy rigid vehicles shall be used for the servicing or operations of this development.
- d. Signposting for 'No Parking' restrictions shall be installed on one side of all streets with an aisle width of 6 metres or less.

### 62. Use of the Premises

The use of the premises shall comply with the following requirements:

- a. The use of the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act, 1997.

### 63. Unreasonable Noise and Vibration

The construction of the proposal, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

### 64. Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282\_1997 *Control of the obtrusive effects of outdoor lighting* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

### 65. Community Renewal Implementation Plan

The Community Renewal Implementation Plan shall be updated annually (in accordance with Condition A6(2)) in liaison with Fairfield Council and Housing NSW to address the Community Renewal Services Plan and Social Impact Assessment Key Findings and shall be forwarded to Council following its approval by Housing NSW.

### 66. Enclosed Garages

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

**67. Carparking – Residential**

You shall provide and maintain the following number of carparking spaces:-

Residential Dwellings

- a. Two Hundred and Forty Two (242) off-street car parking spaces for residents and visitors; and

Residential Flat Building (Private)

- a. Twenty – Two (22) off-street car parking spaces for residents; and
- b. Four (4) visitor car parking spaces; including
- c. Four (4) off-street disabled car space in accordance with AS2890.6-2009

Residential Flat Building (Public)

- a. Seventeen (17) off-street car parking spaces for residents; and
- b. Five (5) visitor car parking spaces; including
- c. Five (5) off-street disabled car space in accordance with AS2890.6-2009

Each space shall be permanently line marked and maintained free from obstruction at all times. Residents and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas.

**68. Switchboards**

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

**69. Single Master TV Antenna**

A single master TV antenna is to be installed to service each residential flat building and provision made for connection to each dwelling unit within the development. The antenna is not project above the roof of the building. This requirement shall be reflected on the Construction Certificate plans.

**70. Schedule of Finishes**

The development is to be constructed and finished in the materials and colours approved by the development consent. The materials approved are as follows:

All other building materials shall be compatible in type, colour and texture throughout the whole project.

### 71. **Garbage Rooms for the Residential Flat Buildings**

The garbage storage room identified on the approved plans shall be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the room. Garbage rooms shall be vented to the external air by natural or artificial means. The garbage storage room will provide for a designated space for dry recycling facilities.

### 72. **Lighting**

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard *4282\_1997 Control of the obtrusive effects of outdoor lighting* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

### 73. **Driveway Decorative Finish**

Driveways are to be constructed using decorative paving materials such as pattern stencilled concrete or paving bricks. The finishes of the paving surfaces are to be non-slip. Plain, exposed aggregate, stamped or coloured concrete is not acceptable.

### 74. **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.

### 75. **Bus shelters and Seats**

Council's Asset Branch and the local bus companies shall be consulted prior to the location and installation of any internal local bus shelters and seats.

### 76. **Tree Preservation Order**

Unless identified in the Tree Removal Plan, 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.

### 77. **Housing Mix**

The development shall comprise 70% of privately owned dwellings and 30% public housing.

**CONDITIONS OF APPROVAL FOR SUBDIVISION****APPROVED PLANS AND REPORTS****78. Compliance with Plans**

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

Prepared	Reference No.	Sheet	Dated	Issue
Vince Morgan Surveyors	19576-6-7L7	sheet 1 of 1	13/03/2018	--

**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.

**79. 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;

Stage 61:	Lots 6101 – 6152, lots: 62, 71 and 72	55 Lots	\$5,500.00
Stage 62:	Lots 6201 – 6224,	24 Lots	\$2,400.00
Stage 71:	Lots 7101 – 7128,	28 Lots	\$2,800.00
Stage 72:	Lots 7201 – 7220,	20 Lots	\$2,000.00

Total Due **\$12,700.00**

**80. Maintenance Bond**

The submission to Council of a maintenance bond covering all works constructed in association with the subdivision. The maintenance bond is to be paid in cash or a bank guarantee. The value of the maintenance bond will be determined by Council in accordance with the rates listed in Council's Annual Schedule of Fees and Charges following the submission of "work as executed" plans detailing all works constructed in association with the subdivision.



The maintenance bond will generally be held by Council for a period of twelve (12) months from the date of issue of Subdivision Certificate on the final plan of subdivision. The maintenance bond will be released at the end of the maintenance period subject to satisfactory performance of the works. Council may use the maintenance bond to carry out any rectification works required at the end of the maintenance period should the applicant fail to comply with any written request from Council to carry out such works.

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.

### **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.**

#### **81. 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.

#### **82. 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.

#### **83. Alignment of Roadway**

The alignment of the following extensions and new roads shall 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.

- Extension of Wall Place to Newleaf Parade,
- Extension of Shoemaker Place to Palisade Crescent,
- Extension of Stubbs Place to proposed Kain Street,
- Extension of Laycock Place and Bean Place
- New Road Kain Street, Bean Street and Road adjacent to Proposed lot 7220,
- New laneways

#### **84. Construction of Roadway**

The construction of full width of extensions and new roads (as listed below) 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.

- Extension of Wall Place to Newleaf Parade,
- Extension of Shoemaker Place to Palisade Crescent,
- Extension of Stubbs Place to proposed Kain Street,
- Extension of Laycock Place and Bean Place
- New Road Kain Street, Bean Street and Road adjacent to Proposed lot 7220,
- New laneways with a one-way crossfall with Kerb and Gutter on the low side and Kerb Only on the high side, in accordance with Council's specifications.

### 85. **Dedication of Roadway**

The dedication to the public as road on the final plan of subdivision at no cost to Council of proposed extensions of Wall Place, Shoemaker Place, Stubbs Place, Laycock Place, and new roads Kain Street, Bean Street, laneways and the Road adjacent to proposed allotment 7220.

### 86. **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.

### 87. **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.

### 88. **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.

### 89. **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).

### 90. 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 Council or Principal Certifying Authority prior to the issue of the Construction Certificate (Engineering Approval). Masonry Retaining walls are the preferred method of construction.

Any development that requires the construction of a retaining wall located within the immediate vicinity of an adjoining boundary shall be wholly within the property boundaries of the subject development site and shall not encroach upon the proposed adjoining properties.

### 91. 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, road works, concrete path paving and lot filling including finished surface levels and invert levels of interallotment and road drainage works, 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.

### 92. 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.

### 93. Validation of Fill

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

**94. Chain of Custody Documentation**

'Chain of Custody' documentation shall be kept for the transport of the validated fill material from off-site, to the subject premises. A record of 'Chain of Custody' shall be submitted to Council within seven (7) days of the fill material being moved to or from the subject site.

**95. Erosion and Sediment Control Plan**

- **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.

- **Wheel Wash Facility**

The erosion and sediment control plan shall include detailed controls for all access points to ensure that all vehicles departing the construction site do not deposit dirt, mud or debris on Council roads. Any instruction by Council regarding compliance with vehicle controls leaving the construction site as per the approved erosion and sediment control plans or any required clean-up of road pavements shall be complied with as soon as practicable.

**96. 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.

**97. 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.**

#### **98. 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.

#### **99. Easements for all Services**

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

#### **100. 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.

#### **101. 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

### 102. 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](http://www.jemena.com.au)).

### 103. 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.**

### 104. Footpath Paving

Council's standard concrete footpath paving shall be constructed by the developer at no cost to Council in accordance with the approved Civil Works Package. The area of the footway not paved shall be topsoiled and turfed. The developer shall complete any necessary transitioning to existing footway if relevant at no cost to Council. Design details of the concrete path paving shall be issued with an Engineering Approval by an Accredited Certifier or by Fairfield City Council.

In the event that the developer wants to complete the construction of the footpath until after the completion of the dwellings, a Bond may be submitted in the amount of the cost works plus 10%.

The concrete path paving bond will be released subject to satisfactory inspections during construction and after completion of the works. Council may use the bond to carry out any rectification works should the applicant fail to comply with any written request from Council to carry out such works.

### **105. Easement for Services**

Prior to the issue of a Subdivision Certificate, an easement for services in favour of the subject property or any part must be created to provide all services including supply of water, gas electricity, telephone and television and discharge of sewage, sullage, and other fluid waste, to the subject property or any part, which are not located in the subject property or in any public road. Proof of creation of the easement must be submitted to the Principal Certifying Authority.

### **106. 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.

### **107. Fencing Restrictive Covenant**

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

Lots 6101, 6107, 6111, 6131, 6136, 6146, 6148, 6151, 6152, 6209, 6217, 6220, 7101, 7102, 7103, 7109, 7111, 7112, 7122, 7126, 7201, 7208, 7212, 7220

### **108. 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 Wall Place and Newleaf Parade adjacent to proposed lot 6101,  
Cnr Wall Place and Shoemaker Place adjacent to proposed lot 6107 & 6151,  
Cnr Newleaf Parade and Shoemaker Place adjacent to proposed lot 6111,  
Cnr Shoemaker Place and Bean Street adjacent to proposed lot 6131 & 6220,  
Cnr Kain Street and Shoemaker place adjacent to proposed lot 6136 & 6148,  
Cnr Stubbs Place and Kain Street adjacent to proposed lot 6146 & 7103,  
Cnr Wall Place and Tarlington Parade adjacent to proposed lot 6152,  
Cnr Newleaf Parade and Palisade Crescent adjacent to proposed lot 6209,  
Cnr Palisade Crescent and Shoemaker Place adjacent to proposed lot 6217,  
Cnr Stubbs Place and Tarlington Parade adjacent to proposed lot 7101,

Bend in Stubbs Place adjacent to proposed lot 7102  
Cnr Stubbs Place and Kain Street adjacent to proposed lot 7103,  
Cnr Bean Place and Kain Street adjacent to proposed lots 7126,  
Cnr Bean Place and Tarlington Parade adjacent to proposed lots 7109 & 7111,  
Cnr Shoemaker Place and Proposed New Road adjacent to proposed lot 7201,  
Cnr Bean/Laycock Place and Bean Street adjacent to proposed lots 7122 & 7212,  
Cnr Laycock Place and Proposed New Road adjacent to proposed lots 7208,  
Every Corner for proposed residue allotment 7220

**109. 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:
  - (a) 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;
  - (b) the 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 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.

**110. Easements for Overhanging Eave and Gutter**

An easement for overhanging eave and gutter to permit the eave and gutter attached to the building erected on the lot benefited to overhang the lot burdened. The building erected on the lot benefited at the time of granting of this easement shall remain on the lot benefited. Together with a right of entry for the grantee and every other person authorised by him with tools, materials and machinery necessary for the purpose of painting, maintaining and repairing the overhanging eave and gutter.

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