

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. DA 234.1/2021 and PAN-52407
SYDNEY WESTERN CITY PLANNING PANEL NO. PPSSWC-165

PROPERTY:

LOT AND DP	ADDRESS
Lots: 6225, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229 DP's: 1242892, 262449	No's: 26,35,37,39,41,43,45,47,49,51,53,55 Bean Crescent BONNYRIGG
Lots: 107, 108, 109, 110, 111, 112, 114, 115, 41 DP's: 262456, 1172246	No's: 10,12,16,18,20,22,24,26,53 Bishop Crescent BONNYRIGG
Lots: 158,161,162, 163,165,166,167,168,169,170,171 DP: 262449	No's: 2,5,6,7,9,10,11,12,13,14,15 Garden Place BONNYRIGG
Lots: 103, 105, 122, 123, 147, 148, 149, 150, 151, 153 DP's: 262456,262449	No's:185,189,193,195,205,209,211, 213,215,217 Humphries Road BONNYRIGG
Lots: 181,182,183,184,186,187,188,189 DP: 262449	No's: 2,3,4,5,6,7,8,9,11 Joiner Place & 48 Newleaf Parade BONNYRIGG
Lots: 207,209,210,211,185,143,144,145,146 DP: 262449	No's:1 ,3,4,5,6,7,8,9,10 Mason Place BONNYRIGG
Lot: 4224 DP: 1182416	No.65 Newleaf Parade BONNYRIGG
Lot: 4099 DP: 1182418	No.23 Newleaf Parade & 1 ,2,3,4,5,6,7,8,9,10,11,12,12,14,15,16,17,18,19, Kennedy Way BONNYRIGG
Lots: 134, 135, 136, 137, 138, 140, 141, 142, 155, 156, 157, 173, 174, 175, 178, 179, 180 DP: 262449	No's: 50,52,54,60,62,64 Newleaf Parade & 17 Garden Place 66,68,70,125,127,129,131,133,137,139,141 Newleaf Parade BONNYRIGG
Lots: 193, 195, 196, 197, 199, 201, 202, 203, 204, 205, 206 DP: 262449	No's: 1 Palisade Crescent and 44 Newleaf Parade , 5 ,7,9,13,17,19,21,23,25,27 Palisade Crescent BONNYRIGG
Lots: 415 ,416 DP: 262449	No's :15B Palisade Crescent/5A Joiner Place, 5A Mason Place,4A Palisade Crescent /659 Cabramatta Road West,675 Cabramatta Road West BONNYRIGG
Lots: 6212,6213,6214,6216, 212 DP: 1242892	No's:8,10,12,14,16,48 Palisade Crescent BONNYRIGG

DESCRIPTION OF DEVELOPMENT:

THE PROPOSED DEVELOPMENT SHALL BE UNDERTAKEN IN TWO (2) STAGES COMPRISING TORRENS TITLE SUBDIVISION INTO TWO-HUNDRED AND TWENTY-TWO (222) RESIDENTIAL LOTS, ASSOCIATED DRAINAGE AND INFRASTRUCTURE WORKS AND CREATION AND EMBELLISHMENT OF OPEN SPACE, INCORPORATING THE FOLLOWING WORKS:

STAGE 1:

- **REMOVAL OF EXISTING INFRASTRUCTURE INCLUDING ROADS, DRAINAGE AND SERVICE UTILITIES**
- **REMOVAL OF TREES**
- **BULK EARTHWORKS**
- **ROAD CONSTRUCTION**
- **RELOCATION AND REPLACEMENT OF DRAINAGE AND SERVICES INFRASTRUCTURE**
- **TORRENS TITLE SUBDIVISION**
 - **ONE HUNDRED (100) RESIDENTIAL LOTS**
 - **ONE (1) DEVELOPMENT LOT**
 - **ONE (1) OPEN SPACE LOT**
 - **ONE (1) DRAINAGE RESERVE**
- **CONSTRUCTION AND EMBELLISHMENT OF DRAINAGE RESERVE (LOT 1003)**
- **CONSTRUCTION AND EMBELLISHMENT OF AN EXTENSION TO BUNKER PARK (LOT 1002)**

STAGE 2:

- **REMOVAL OF EXISTING INFRASTRUCTURE INCLUDING ROADS, DRAINAGE AND SERVICE UTILITIES**
- **REMOVAL OF TREES**
- **BULK EARTHWORKS**
- **ROAD CONSTRUCTION**
- **RELOCATION AND REPLACEMENT OF DRAINAGE AND SERVICES INFRASTRUCTURE**
- **TORRENS TITLE SUBDIVISION**
 - **ONE HUNDRED AND NINETEEN (119) RESIDENTIAL LOTS**
 - **TWO (2) DEVELOPMENT LOTS**
 - **TWO (2) OPEN SPACE LOTS**
 - **ONE (1) RESIDUE LOT (ROAD WIDENING)**
- **CONSTRUCTION AND EMBELLISHMENT OF JUNIOR PLAY PARK (LOT 1001)**
- **EMBELLISHMENT OF OPEN SPACE LOT 1000**

APPROVED DOCUMENTATION

1. Compliance with Documentation

The development shall take place in accordance with the approved reports as follows:

- Statement of Environmental Effects, Prepared by Premise, Report No. 320161_SEE01, Dated 20 November 2020.
- Construction Environmental Management Plan (CEMP), Prepared by J.Wyndham Prince, Issue A, Dated 19 October 2021.
- Detailed Site Investigation, Prepared by JBS&G, Revision 0, Dated 30 April 2021.
- Biodiversity Development Assessment Report, Prepared by ECOPLANNING, Project No. 2022-052, Dated 15 July 2022.
- Arboricultural Impact Assessment, Prepared by Creative Planning Systems, Job No. D786, Revision A, Dated 4 November 2020.
- Parking Assessment, Prepared by J. Wyndham Prince, Dated 04 March 2021.
- Traffic and Transport Assessment, Prepared by The Transport Planning Partnership, Issue V02, Reference No. 20234, Dated 26 October 2021.
- Utility Services Report, Prepared by ADW JOHNSON, Issue B, Dated 19 October 2020.
- Water Cycle Management Plan, Prepared by ADW JOHNSON, Issue D, Dated 8 November 2021.
- Construction Waste Management Plan, Prepared by Premise Australia, Dated November 2020.
- DA Acoustic Report prepared by Renzo Tonin and Associates, Issue 3, Dated 8 February 2023.

Approved Plans

Drawing Title	Drawing No.	Issue	Project No.	Drawn By	Dated
Subdivision Concept Plans	TP01 – TP02	Y	320161_01	Premise	2 February 2023
Subdivision Concept Plan (Social Housing Lots)	TP01 – TP02	W	320161_01	Premise	11 November 2021
Streetscape and Junior Play Park Landscape Plans	32-20.00 DA – 32-20.32 DA	H	32-30	Distinctive Living Design	19 November 2021
Parking Diagram	DA901	E	110670	J. Wyndham Prince	7 February 2023
Parking Diagram	DA902	E	110670	J. Wyndham Prince	7 February 2023

Parking Diagram	DA903	F	110670	J. Wyndham Prince	7 February 2023
Parking Diagram	DA904	F	110670	J. Wyndham Prince	7 February 2023
Solar Access Stages 1 and 2	TP01	A	320161_05	Premise	30 March 2021

Stormwater, Lot and Roadworks Plans

Drawing Title	Drawing No.	Issue	Project No.	Drawn By	Dated
Cover Sheet	DA001	C	110670	J. Wyndham Prince	19 November 2021
Index, Legend and General Notes	DA002	G	110670	J. Wyndham Prince	30 September 2022
Overall Site Plan	DA003	D	110670	J. Wyndham Prince	30 September 2022
Typical Sections Sheet 1	DA004	C	110670	J. Wyndham Prince	14 October 2021
Typical Sections Sheet 2	DA005	C	110670	J. Wyndham Prince	14 October 2021
Cut and Fill Plan	DA010	C	110670	J. Wyndham Prince	19 November 2021
Site Sections Sheet 1	DA011	D	110670	J. Wyndham Prince	19 November 2021
Site Sections Sheet 2	DA012	E	110670	J. Wyndham Prince	19 November 2021
Site Sections Sheet 3	DA013	B	110670	J. Wyndham Prince	26 October 2020
Engineering Plan Sheet 1	DA021	D	110670	J. Wyndham Prince	19 November 2021
Engineering Plan Sheet 2	DA022	D	110670	J. Wyndham Prince	19 November 2021
Engineering Plan Sheet 3	DA023	F	110670	J. Wyndham Prince	1 December 2021
Engineering Plan Sheet 4	DA024	F	110670	J. Wyndham Prince	1 December 2021

Road Longitudinal Sections Sheet 1	DA101	B	110670	J. Wyndham Prince	26 October 2020
Road Longitudinal Sections Sheet 2	DA102	B	110670	J. Wyndham Prince	26 October 2020
Road Longitudinal Sections Sheet 3	DA103	B	110670	J. Wyndham Prince	26 October 2020
Road Longitudinal Sections Sheet 4	DA104	B	110670	J. Wyndham Prince	26 October 2020
Road Longitudinal Sections Sheet 5	DA105	B	110670	J. Wyndham Prince	26 October 2020
Road Longitudinal Sections Sheet 6	DA106	B	110670	J. Wyndham Prince	26 October 2020
Catchment Plan Sheet 1	DA401	C	110670	J. Wyndham Prince	19 November 2021
Catchment Plan Sheet 2	DA402	C	110670	J. Wyndham Prince	19 November 2021
Catchment Plan Sheet 3	DA403	E	110670	J. Wyndham Prince	1 December 2021
Catchment Plan Sheet 4	DA404	G	110670	J. Wyndham Prince	30 September 2022
Drainage Longitudinal Sections Sheet 1	DA420	D	110670	J. Wyndham Prince	1 December 2021
Drainage Longitudinal Sections Sheet 2	DA421	C	110670	J. Wyndham Prince	1 September 2021
Drainage Longitudinal Sections Sheet 3	DA422	D	110670	J. Wyndham Prince	1 December 2021
Drainage Longitudinal Sections Sheet 4	DA423	C	110670	J. Wyndham Prince	1 September 2021
Drainage Longitudinal Sections Sheet 5	DA424	C	110670	J. Wyndham Prince	1 September 2021
Drainage Longitudinal Sections Sheet 6	DA425	C	110670	J. Wyndham Prince	1 September 2021
Drainage Longitudinal Sections Sheet 7	DA426	C	110670	J. Wyndham Prince	1 September 2021
Drainage Longitudinal Sections Sheet 8	DA427	D	110670	J. Wyndham Prince	19 November 2021

Drainage Longitudinal Sections Sheet 9	DA428	C	110670	J. Wyndham Prince	1 September 2021
Drainage Longitudinal Sections Sheet 10	DA429	C	110670	J. Wyndham Prince	1 September 2021
Drainage Longitudinal Sections Sheet 11	DA430	C	110670	J. Wyndham Prince	1 September 2021
Drainage Longitudinal Sections Sheet 12	DA431	C	110670	J. Wyndham Prince	1 September 2021
Drainage Longitudinal Sections Sheet 13	DA432	C	110670	J. Wyndham Prince	1 September 2021
Drainage Longitudinal Sections Sheet 14	DA433	D	110670	J. Wyndham Prince	19 November 2021
Drainage Longitudinal Sections Sheet 15	DA434	D	110670	J. Wyndham Prince	19 November 2021
Drainage Longitudinal Sections Sheet 16	DA435	C	110670	J. Wyndham Prince	1 September 2021
Drainage Longitudinal Sections Sheet 17	DA436	D	110670	J. Wyndham Prince	19 November 2021
Drainage Longitudinal Sections Sheet 18	DA437	C	110670	J. Wyndham Prince	1 September 2021
Tree Retention Plan	DA500	E	110670	J. Wyndham Prince	1 December 2021
Soil and Water Management Calculations Notes and Details	DA700	B	110670	J. Wyndham Prince	26 October 2020
Soil and Water Management Plan Sheet 1	DA701	D	110670	J. Wyndham Prince	19 November 2021
Soil and Water Management Plan Sheet 2	DA702	C	110670	J. Wyndham Prince	19 November 2021

Soil and Water Management Plan Sheet 3	DA703	E	110670	J. Wyndham Prince	1 December 2021
Soil and Water Management Plan Sheet 4	DA704	E	110670	J. Wyndham Prince	1 December 2021
Turning Path Plan Sheet 1	DA800	C	110670	J. Wyndham Prince	19 November 2021
Turning Path Plan Sheet 2	DA801	D	110670	J. Wyndham Prince	19 November 2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

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

GENERAL CONDITIONS

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.

2. Crown Certificate

Pursuant to Division 6.8, Section 6.28 of the Environmental Planning & Assessment Act 1979, Crown building work cannot commence until such time that the building work is certified by or on behalf of the Crown to comply with the Building Code of Australia.

3. Biodiversity Development Assessment Report

All recommendations, including Section 7 of the Biodiversity Development Assessment Report prepared by Ecoplaning dated 15 July 2022, Version 1.0 shall be complied with at all times.

4. NSW Protection of the Environment Operations Act 1997

The use of the site shall operate in accordance with the *Protection of the Environment Operations Act (POEO) 1997*. All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

5. Tree Protection

The works are required to comply with Australian Standard (AS 4970-2009) Protection of Trees on Development Sites at all times. This includes the

protection of trees on the private development site land and Councils road reserve, parks and any adjoining public and private lands, except those approved for removal under this consent.

The Standard provides guidance on the principles for protecting trees on land subject to development. It follows, in sequence the stages of development from planning to implementation. Council requires that the applicant shall ensure compliance with the standard, including all required establishment of tree protection zones. This recognises that negative impacts of inadequate development design, planning and supervision are very difficult to remediate after the development is completed.

6. 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 prior written approval has been obtained from Council. Fines may be imposed if you contravene Council's Tree Preservation Order

7. Social Housing Lots

Future housing constructed on all lots shown in blue on the Lot Layout Plan prepared by Premise, Revision W shall be constructed and maintained for social housing development only, at all times.

8. Community Renewal Implementation Plan

The Community Renewal Implementation Plan shall be updated annually (in accordance with Condition A6(2) of the Concept Approval) in consultation with Fairfield City Council and Housing NSW to address the Community Renewal Services Plan and Social Impact Assessment - Key Findings and shall be provided to Council following approval by Housing NSW.

9. Car Parking Spaces

A total of 287 on-street parking spaces are to be maintained at all times.

STAGE 1

STAGE 1 CONSISTS OF THE FOLLOWING WORKS:

- **REMOVAL OF EXISTING INFRASTRUCTURE INCLUDING ROADS, DRAINAGE AND SERVICE UTILITIES**
- **REMOVAL OF TREES**
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- **CONSTRUCTION AND EMBELLISHMENT OF AN EXTENSION TO BUNKER PARK (LOT 1002)**

PRIOR TO THE COMMENCEMENT OF WORKS FOR STAGE 1

The following conditions of consent must be complied with prior to the commencement of any works onsite. All relevant necessary information to comply with the follow conditions must be prepared and submitted to the relevant authority.

10. Issue of a Subdivision Works Certificate (Engineering Approval)

Prior to the commencement of any works on site a Subdivision Works Certificate (Engineering Approval) for the Drainage Works, Roadworks and the Erosion and Sediment Control plan must be issued by Fairfield City Council or an Accredited Certifier.

If Council is to be the Accredited Certifier the associated fees will be charged in accordance with the rates listed in Council's Annual Schedule of Fees and Charges. (EP&A Act, Section 81(2)(b)).

All public infrastructure is to be designed and constructed in accordance with Council's 0-060 Engineering Design and Construction Specifications with related QMPOL-CA-060 Construction Specifications (AUSPEC).

11. Environmental Reports Certification

Prior to commencement of works onsite for both Stages 1 and 2, a written certification from a suitably qualified person(s) shall be submitted to the Principal

Certifier and Fairfield City Council, stating that all works, methods, procedures, control, measures and recommendations approved by Fairfield City Council's Environmental Health Officer and the following reports have been completed:

- a) Detailed Site Investigation Report, prepared by JBS&G, dated 30 April 2021, REF: 60493-136590 (Rev 0)

12. Construction Environmental Management Plan (CEMP)

Prior to the commencement of any works, as per the recommendations of the CEMP, an updated version of the CEMP prepared by J.Wyndam Prince shall be submitted to the Principle Certifier and Fairfield City Council. The final CEMP must be complied with at all times during construction.

13. Project Arborist

Prior to the commencement of any works, a Project Arborist experienced in tree protection on construction sites shall be engaged. The Project Arborist shall monitor and regularly report to the Principle Certifier and the Applicant on the condition and protection of the retained trees during any works. The Project Arborist is to supervise and monitor any excavation, machine trenching or compacted fill placement within the TPZ throughout any construction or site works.

14. Construction Traffic Management Plan

Prior to the commencement of any works for Stage 1, a Construction Traffic Management Plans (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council's Traffic Branch for approval prior to the commencement of works.

The affected residents and stakeholders shall be informed of the type and nature of the construction works and their potential impacts on the local area prior to any works commencing. The affected properties shall be notified of the construction works and timing and any concerns raised by the stakeholders shall be satisfactorily addressed.

15. Road Dilapidation Survey Required

Prior to any truck movements occurring, the submission to Council of a road dilapidation survey of the roads at the subject sites and the proposed construction routes. The survey shall be provided by a suitable pavement consultant and shall cover the full width of the pavement kerb to kerb inclusive and give details of areas of cracking, profile defects and the like. At the completion of work, the dilapidation survey shall be repeated and any deterioration made good or paid for by the applicant.

16. Signs on Site

Prior to the commencement of any works on site, a sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed. (EP&A Regulation, Section 98A(2) &(3).

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

17. Erosion and Sediment Control Plan

A Subdivision Works Certificate (Engineering Approval) shall ensure that an erosion and sediment control plan is prepared in accordance with the following documentation before it is provided to and approved by the Fairfield City Council.

- Council's Development Control Plan (DCP),
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

Design details and specifications shall be submitted and approved by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site. The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

18. Road Construction Plans

Subdivision Works Certificate shall be issued for all Roadworks and drainage construction designed in accordance with Councils Roadworks and Drainage Specifications. The roadworks on the following roads require approval as below:

- Road No.2 (Stage 1)
- Bishop Crescent Extension (Stage 1)
- Road No. 1 (Stage 1)

Design details and specifications shall be submitted and approved by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

19. Inter-Allotment Drainage Construction

Subdivision Works Certificate shall be issued for the provision of inter-allotment drainage to all lots which do not wholly slope toward the street. The inter-allotment drainage design shall be in accordance with Councils Roadworks and Drainage Specifications.

Details of the proposed drainage works are to be issued by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

20. Footpath Paving

Subdivision Works Certificate shall be issued for the construction of Council's standard concrete footpath paving by the developer road frontage of the property in the proposed roads shown by Civil Engineering Plans by J.Wyndham Prince Dated 19.11.22 Revision C. The area of the footway not paved shall be topsoiled and turfed. The developer shall complete any necessary transitioning to the existing footway beyond the boundary of this property at no cost to Council.

Construction of the concrete path paving shall be a minimum of 125mm thick, 25MPa, SL 72 reinforcing mesh placed on a minimum 30mm compacted sand bedding.

Design details and specifications shall be submitted and approved by Fairfield City Council prior to the commencement of works on site.

GENERAL CONDITIONS FOR STAGE 1

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.

21. Notifying Council of Commencement of Works

The applicant shall notify Fairfield City Council at least two (2) days prior to the intention to commence work onsite in accordance with the Environmental Planning and Assessment Act 1979. (EP&A Act, Section 81A(2)(b)).

22. Monitoring of State of Roadways

During Stage 1, 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.

23. Hours of Work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7:00 am to 6:00 pm on Monday to Friday
8:00 am to 1:00 pm on Saturday

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

24. 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.

25. Satisfactory Access to all Lots

The provision of satisfactory access to all lots is required. In this regard, a vehicular layback, in accordance with Council's specification, is to be provided in the kerb adjacent to all proposed allotments. The proposed access shall be 1m away from all Service authorities Assets (Refer to Councils Driveway (Vehicular Crossing) Policy No. 0-088). Driveway laybacks shall be constructed and maintained in accordance with Parking Diagram Plans prepared by J.Wyndam Prince, Revision D.

26. 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.

27. Redundant Vehicular Layback

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

28. Bus shelters and Seats

Written approval must be obtained from Council's Asset Branch and the local bus companies prior to the installation of any internal local bus shelters and seats.

29. **Gross Pollutant Traps**

Access is to be provided and maintained to all Gross Pollutant Traps (GPTs). The designs of the GPT concrete access paths must:

- Have a minimum width of 3.5m.
- Have a minimum length of 16.5m.
- Be designed using results from Auto Turn analysis.
- Consider the presence of parked cars along the roadways.
- Be structurally certified to ensure the path can withstand a Live Load of 20Tonne minimum.

30. **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.

31. **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.

32. Lot Filling

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

33. Cut and Fill

While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

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

34. Chain of Custody

'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.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a Subdivision Certificate issued by Fairfield City Council. All necessary information to comply with the following conditions of consent must be submitted with the application for a Subdivision Certificate on the Planning Portal.

35. Social Housing Design

Prior to the issue of a Subdivision Certificate for Stage 1, the applicant shall develop a Social Housing Design Policy for the site, in consultation with Council, to guide the design of social housing on site and ensure it is indistinguishable from other housing on site. The applicant must implement this policy during the development of social housing on site.

36. Open Space (Lot 1002) and Street Trees

Prior to the issue of a Subdivision Certificate for Stage 1, the open space associated with Bunker Park located on Lot 1002 is to be completed and embellished in accordance with the Landscape Plans prepared by Distinctive and any requirements as set out in the Stages 8-18 Voluntary Planning Agreement. Street trees and landscaping associated with Stage 2 is to be completed in accordance with the Predicted Canopy Cover Plan prepared by Distinctive.

37. Drainage Reserve (Lot 1003)

Prior to the issue of a Subdivision Certificate for Stage 1, the drainage reserve located on Lot 1003 is to be completed in accordance with the Engineering Plans prepared by J.Wydnam Prince.

38. Road Reserve Clearance Certificate

Prior to the issue of a Subdivision Certificate, a Satisfactory Road Reserve Clearance Certificate shall be issued by Fairfield City Council's Asset Management Branch certifying that the footpaths, kerbs, stormwater systems and general streetscape has been inspected and is to a satisfactory standard.

All damage shall be rectified by the developer to the satisfaction of Fairfield City Council. An application form accompanied with the appropriate fee at time of payment shall be submitted to Fairfield City Council.

39. Compaction Report – Lot Filling

Prior to the issue of a Subdivision Certificate, the Applicant shall submit a Compaction Report prepared by a suitably qualified Geotechnical Engineer.

40. Works-as-executed Plans and other Documentary Evidence

Prior to the issue of the Subdivision Certificate, the Applicant shall submit a detailed "work as executed" drawing signed by a registered surveyor, any compliance certificates and any other evidence confirming satisfactory completion of all works completed under the related Subdivision Works Certificate.

The WAE Plans are to demonstrate that the number of on-street parking spaces are provided in accordance with the Parking Diagram Plans.

The "Works As Executed" Plan must show all finished levels and details of construction in 'Red' on the stamped Civil Engineering Plans. Council will not accept "work as executed" plans with coloured highlighter markings on the plans.

41. Registered Surveyor Certificate

Prior to the issue of a Subdivision Certificate, Written confirmation is to be provided from a Registered Surveyor stating:

- a) that easements have been created for all encroaching services connections, or alternatively that all services are contained wholly within their respective allotments.
- b) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- c) the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

42. Subdivision Certificate Application

Prior to the issue of a Subdivision Certificate, all documents & certificates shall be submitted to the Principal Certifier via the NSW Planning Portal. The Subdivision Certificate Application can be found via the "Post-Consent Certificates" Tab on the home page of the Planning Portal.

A Subdivision Certificate can only be issued by Council, except for some road widening and acquisition plans, which can be issued by various other authorities.

The applicant must provide evidence that all conditions of consent that are required to be satisfied have been satisfied before subdivision certificate and strata certificate can be issued (where applicable).

43. Subdivision Certificate Application Fee

The submission of a 'Subdivision Certificate Application' requires the payment to Council of a Subdivision Certificate Application 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 \$500.

44. Linen Plans and Administration Sheet Documents

The following documents shall be prepared by a Registered Surveyor and submitted to Council:

- a) NSW Land Registry Services 'Plan Form 6' and 'Plan Form 6A' (where applicable). (Torrens Title)
- b) Torrens Subdivision Plan (Linen)

If it is proposed to create easements, Right of Carriageways restrictions or covenants, the 88B Instrument must be provided with provision for execution by the Council Authorised Person on each sheet.

A PDF copy of the endorsed Subdivision Certificate documents will be uploaded to the Planning Portal and the original copies returned to the Applicant.

45. Subdivision Certificate Release Fee (Torrens)

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 for Stage 1 is \$10,300.00.

46. 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.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

47. Sydney Water Connection – Section 73

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 <http://www.sydneywater.com.au/SW/plumbing-building-developing/developing/Section-73-Compliance-Certificates/index.htm> 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.

48. Endeavour Energy Connection

A "Satisfactory Arrangement" Certificate from Endeavour Energy stating the provision of electricity services to all allotments must be obtained. 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).

49. NBN Connection

The submission of a Certificate of Practical Completion from a Telecommunications carrier as evidence that satisfactory arrangements have been made for all communications plant to be laid underground.

For further enquiries regarding the issue of the Certificate of Practical Completion, contact the NBN on 1800 687 626 or complete the online form at <https://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/submit-and-apply>

50. Easement of all Services

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

51. Dedication of Roadway

The dedication to the public as road on the final plan of subdivision at no cost to Council of the following:

- Road No.2
- Bishop Crescent Extension
- Road No. 1

52. Fencing Restrictive Covenant

The creation of a restrictive covenant over the proposed following residential Lots that no fencing fronting streets (primary and secondary frontages) shall be

erected without Council approval and that all fencing shall be in accordance with Council's Fencing Code.

Lots 1, 16, 28, 44, 53, 54, 62, 65, 66, 73, 80, 90, 93 & 101.

53. 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 corner of the following roads:

Cnr Hickory Road and Bishop Crescent Lot 16
Cnr Bishop Crescent and Humphries Road Lot 28
Cnr Sandiland Road and Humphries Rd Lot 53

The dedication to the public as road on the final plan of subdivision at no cost to Council, of a 6m x 6m splay on the corner of the following roads:

Cnr Edensor Road and Humphries Road Lot 1

54. Restriction on Use – Dual Occupancies, Secondary Dwellings & Studios

The creation of a restriction on the use of land over proposed lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 and 101 in the following terms:

"The proprietor of the burdened lots shall not have any additional dwellings in the form of dual occupancies, secondary or studio dwellings (whether detached or attached) to be erected or permitted to remain on it.

Name of person empowered to release, vary or modify the Restriction on Use:-

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

55. Restriction on Use – Vehicular Access to Humphries Road and Cabramatta Road West

The creation of a restriction on the use of land over proposed lots 1, 28, and 53 in the following terms:

"The proprietor of the burdened lots shall not provide vehicular access to the lots via Humphries Road at any time.

Name of person empowered to release, vary or modify the Restriction on Use:-

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

56. **Positive Covenant – Car Parking**

A Positive Covenant shall be created over lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 and 101 in the following terms:

The proprietor of the burdened lots shall provide a minimum of two (2) car parking space within the lot boundaries. Where appropriate, one (1) car parking space can be provided in a stacked parking arrangement and is not required to be in a carport or garage structure.

Authority with the right to release vary or modify positive covenant is with Fairfield City Council.

57. **Positive Covenant – Landscaping** for each residential lot

A Positive Covenant shall be created over the following residential lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 and 101 in the following terms:

A minimum of one tree shall be planted and maintained at all times in the front setback of the lot and one tree in the rear setback of the lot, on each identified residential lot. Tree species planted shall be from the following list only, as shown on Predicated Canopy Coverage Plan, Issue H, dated 19.11.2021 prepared by Distinctive.

32-20 Plant Species within Private Domain								
Code	Genus	Species	Hybrids/ Cultivars	Common Name	Pot Size	Height	Width	Density
Trees								
Hi Ru	Hibiscus	tiliaceus	'Rubra'	Sea Hibiscus	75L	4	2	As Shown
El eu	Elaeocarpus	eumundii		Quondong	45L	8	5	As Shown
La Si	Lagerstroemia	indica	x L. Fauriei 'Sioux'	Sioux (hot pink) Crepe Myrtle	45L	4	3	As Shown
Ma io	Malus	ioensis	'plena'	Iowa Crabapple	45L	6	4	As Shown
Pr Ni	Prunus	cerasifera	'Nigra'	Purple-leaved Flowering Plum	45L	5	4	As Shown
Py us	Pyrus	ussuriensis		Manchurian Pear	75L	9	7	As Shown

Wa Sw	Waterhousia	floribunda	'Sweeper'	Sweeper Weeping Lilly Pilly	75L	6	4	As Shown
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Authority with the right to release, vary or modify positive covenant is with Fairfield City Council.

58. Restriction on Use – Driveway Locations – Lot 18 ONLY

The creation of a restriction on the use of land over proposed lot 18 in the following terms:

"The proprietor of the burdened lots must not construct, or allow to be constructed a road or other means of vehicular access over the area of the boundary marked 'G' on Proposed Subdivision Concept Plan, prepared by Premise, Revision X at any time.

Name of person empowered to release, vary or modify the Restriction on Use:-

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

59. Positive Covenant – Bin Location – Lot 17 ONLY

A Positive Covenant shall be created over Lot 17 on the approved Subdivision Plan in the following terms:

The registered proprietor of the lot(s) herby burdened must present their garbage bins at the location marked 'G' on Proposed Subdivision Concept Plan, prepared by Premise, Revision X, for collection and comply with the waste requirements of Fairfield City Council.

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

60. Positive Covenant – Acoustic Treatment

A Positive Covenant shall be created over Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, Lot 11, Lot 12, Lot 13, Lot 14, Lot 25, Lot 26, Lot 27, Lot 28, Lot 29, Lot 30, Lot 31, Lot 50, Lot 51, Lot 52, Lot 53, Lot 54, Lot 55, Lot 56, Lot 100 and Lot 101 in the following terms:

The proprietor of the burdened lot shall employ all relevant recommendations contained within DA Acoustic Report prepared by Renzo Tonin and Associates, dated 8 February 2023, Version TL543-01F02 DA Acoustic Report (r3) in regard to building and construction requirements, acoustic treatment requirements, ventilation requirements and boundary fences.

Each noise affected lot shall conduct an individual acoustic assessment of the construction plans prior to any construction works occurring to ensure correct interpretation and application of the recommendations of the DA Acoustic Report. The Acoustic Assessment shall be submitted to the Principal Certifier prior to any construction works commencing onsite.

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

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STAGE 2

STAGE 2 CONSISTS OF THE FOLLOWING WORKS:

- **REMOVAL OF EXISTING INFRASTRUCTURE INCLUDING ROADS, DRAINAGE AND SERVICE UTILITIES**
- **REMOVAL OF TREES**
- **BULK EARTHWORKS**
- **ROAD CONSTRUCTION**
- **RELOCATION AND REPLACEMENT OF DRAINAGE AND SERVICES INFRASTRUCTURE**
- **TORRENS TITLE SUBDIVISION**
 - **ONE HUNDRED AND NINETEEN (119) RESIDENTIAL LOTS**
 - **TWO (2) DEVELOPMENT LOTS**
 - **TWO (2) OPEN SPACE LOTS**
 - **ONE (1) RESIDUE LOT (ROAD WIDENING)**
- **CONSTRUCTION AND EMBELLISHMENT OF JUNIOR PLAY PARK (LOT 1001)**
- **EMBELLISHMENT OF OPEN SPACE LOT 1000**

PRIOR TO THE COMMENCEMENT OF WORKS FOR STAGE 2

The following conditions of consent must be complied with prior to the commencement of any works onsite. All relevant necessary information to comply with the following conditions must be prepared and submitted to the relevant authority.

61. Transport for New South Wales – Cabramatta Road West & Humphries Road Intersection Design

Prior to the commencement of any works for Stage 2, written confirmation is to be provided to Council from Transport for New South Wales (TfNSW) confirming that the concept design of the Cabramatta Road West and Humphries Road intersection and slip lane upgrade works as required in accordance with Condition A8 of MP_0046 MOD 5 have been accepted.

Written confirmation is to be accompanied by the final plans depicting the accepted design of the intersection and slip lane.

In the event that the slip lane and intersection design results in any changes to the approved subdivision layout, including a reduction in landscaped area or lot sizes, a Section 4.55 Modification Application will be required to be submitted for assessment by Council.

62. Lane 1 Intersection

Prior to the commencement of any works for Stage 2, further detailed plans of the intersection layout of Lane 1 with Garden Street and Bean Crescent is to be submitted to Council's Traffic Branch for approval. The intersection design shall

accommodate one-way traffic flow along Lane 1 from Garden Street and into Bean Crescent.

63. Construction Traffic Management Plan

Prior to the commencement of any works for Stage 2, a Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council's Traffic Branch for approval prior to the commencement of works.

The affected residents and stakeholders shall be informed of the type and nature of the construction works and their potential impacts on the local area prior to any works commencing. The affected properties shall be notified of the construction works and timing and any concerns raised by the stakeholders shall be satisfactorily addressed.

64. Road Dilapidation Survey Required

Prior to any truck movements occurring, the submission to Council of a road dilapidation survey of the roads at the subject sites and the proposed construction routes. The survey shall be provided by a suitable pavement consultant and shall cover the full width of the pavement kerb to kerb inclusive and give details of areas of cracking, profile defects and the like. At the completion of work, the dilapidation survey shall be repeated and any deterioration made good or paid for by the applicant.

65. Signs on Site

Prior to the commencement of any works on site, a sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- d) showing the name, address and telephone number of the principal certifier for the work, and
- e) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- f) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed. (EP&A Regulation, Section 98A(2) &(3).

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

66. Erosion and Sediment Control Plan

A Subdivision Works Certificate (Engineering Approval) shall ensure that an erosion and sediment control plan is prepared in accordance with the following documentation before it is provided to and approved by the Fairfield City Council.

Council's Development Control Plan (DCP), the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

Design details and specifications shall be submitted and approved by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site. The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

67. Road Construction Plans

Subdivision Works Certificate shall be issued for all Roadworks and drainage construction designed in accordance with Councils Roadworks and Drainage Specifications. The roadworks on the following roads requires approval as follows:

- Bean Crescent (Stage 2)
- Palisade Crescent (Stage 2)
- Joiner Street (Stage 2)
- Garden Street (Stage 2)
- Lane No.1 (Stage 2)

Design details and specifications shall be submitted and approved by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

68. Inter-Allotment Drainage Construction

Subdivision Works Certificate shall be issued for the provision of inter-allotment drainage to all lots which do not wholly slope toward the street. The inter-allotment drainage design shall be in accordance with Councils Roadworks and Drainage Specifications.

Details of the proposed drainage works are to be issued by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

69. Decorative Concrete Driveway Construction (Right of Way) – Lots 266 & 267 ONLY

Subdivision Works Certificate shall be issued for the construction a 4m wide concrete driveway, with 1m of landscaping on either side of the driveway, for the

length of the Right of Carriageway. The concrete slab is to be a minimum thickness of 150mm and reinforced with SL82 mesh placed 30mm below top of slab. Concrete strength shall be a minimum of 25MPa. Coloured and/or patterned concrete is permitted. Plain concrete and exposed aggregate finishes involving the washing of concrete fines from the surface of the driveway during construction will NOT be permitted.

Design details of the driveway, including proposed levels, jointing details, etc shall be issued by an Accredited Certifier or by Fairfield City Council prior to commencement of works on site.

70. Footpath Paving

Subdivision Works Certificate shall be issued for the construction of Council's standard concrete footpath paving by the developer road frontage of the property in the proposed roads shown by Civil Engineering Plans by J.Wyndham Prince Dated 19.11.22 Revision C. The area of the footway not paved shall be topsoiled and turfed. The developer shall complete any necessary transitioning to the existing footway beyond the boundary of this property at no cost to Council.

Construction of the concrete path paving shall be a minimum of 125mm thick, 25MPa, SL 72 reinforcing mesh placed on a minimum 30mm compacted sand bedding.

Design details and specifications shall be submitted and approved by Fairfield City Council prior to the commencement of works on site.

GENERAL CONDITIONS FOR STAGE 2

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.

71. Notifying Council of Commencement of Works

The applicant shall notify Fairfield City Council at least two (2) days prior to the intention to commence work onsite in accordance with the Environmental Planning and Assessment Act 1979. (EP&A Act, Section 81A(2)(b)).

72. Monitoring of State of Roadways

During Stage 2, 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. Hours of Work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7:00 am to 6:00 pm on Monday to Friday
8:00 am to 1:00 pm on Saturday

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

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. Redundant Vehicular Layback

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

76. Bus shelters and Seats

Written approval must be obtained from Council's Asset Branch and the local bus companies prior to the installation of any internal local bus shelters and seats.

77. Gross Pollutant Traps

Access is to be provided and maintained to all Gross Pollutant Traps (GPTs). The designs of the GPT concrete access paths must:

- Have a minimum width of 3.5m.
- Have a minimum length of 16.5m.
- Be designed using results from Auto Turn analysis.
- Consider the presence of parked cars along the roadways.
- Be structurally certified to ensure the path can withstand a Live Load of 20Tonne minimum.

78. 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.

79. 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.

80. Lot Filling

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

81. Cut and Fill

While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- c) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- d) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

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

82. Chain of Custody

'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.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a Subdivision Certificate issued by Fairfield City Council. All necessary information to comply with the following conditions of consent must be submitted with the application for a Subdivision Certificate on the Planning Portal.

83. Open Space (Junior Play Park) and Detention Basin (Lot 1001), and Street Trees

Prior to the issue of a Subdivision Certificate for Stage 2, Junior Play Park (Lot 1001) is to be completed and embellished in accordance with the Landscape Plans prepared by Distinctive and Engineering Plans prepared by J.Wyndam Prince and any requirements as set out in the Stages 8-18 Voluntary Planning Agreement. Street trees and landscaping associated with Stage 2 is to be completed in accordance with the Predicted Canopy Cover Plan prepared by Distinctive.

84. Cabramatta Road West and Humphries Road Upgrades

Prior to the issue of a Subdivision Certificate for Stage 2, the applicant shall submit to Council a copy of the Transport Infrastructure Contribution deed with Transport for NSW required under Condition A8(1) of Schedule 2 of the Concept Plan (MP 06_0046) and demonstrate that the approved subdivision plans for Stage 2 suitably provide for any land that must be dedicated for the road works and the approved landscaping area adjacent to these works.

85. Lane 1 Road Signage

Prior to the issue of a Subdivision Certificate for Stage 2, a plan detailing one-way signage and linemarking for Lane 1 shall be submitted to Council for approval by Council's Traffic Branch. The plan shall include 'No Stopping' restrictions at the bend in Bean Crescent at Lane 1.

All costs associated with the installation of the required road signage and line-marking are to be borne by the developer at no cost to Council.

86. Road Reserve Clearance Certificate

Prior to the issue of a Subdivision Certificate, a Satisfactory Road Reserve Clearance Certificate shall be issued by Fairfield City Council's Asset

Management Branch certifying that the footpaths, kerbs, stormwater systems and general streetscape has been inspected and is to a satisfactory standard.

All damage shall be rectified by the developer to the satisfaction of Fairfield City Council. An application form accompanied with the appropriate fee at time of payment shall be submitted to Fairfield City Council

87. Compaction Report – Lot Filling

Prior to the issue of a Subdivision Certificate, the Applicant shall submit a Compaction Report prepared by a suitably qualified Geotechnical Engineer.

88. Works-as-executed Plans and other Documentary Evidence

Prior to the issue of the Subdivision Certificate, the Applicant shall submit a detailed "work as executed" drawing signed by a registered surveyor, any compliance certificates and any other evidence confirming satisfactory completion of all works completed under the related Subdivision Works Certificate.

The WAE Plans are to demonstrate that the number of on-street parking spaces are provided in accordance with the Parking Diagram Plans.

The "Works As Executed" Plan must show all finished levels and details of construction in 'Red' on the stamped Civil Engineering Plans. Council will not accept "work as executed" plans with coloured highlighter markings on the plans.

89. Registered Surveyor Certificate

Prior to the issue of a Subdivision Certificate, Written confirmation is to be provided from a Registered Surveyor stating:

- a) That easements have been created for all encroaching services connections, or alternatively that all services are contained wholly within their respective allotments.
- b) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- c) the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

90. Subdivision Certificate Application

Prior to the issue of a Subdivision Certificate, all documents & certificates shall be submitted to the Principal Certifier via the NSW Planning Portal. The Subdivision Certificate Application can be found via the "Post-Consent Certificates" Tab on the home page of the Planning Portal.

A Subdivision Certificate can only be issued by Council, except for some road widening and acquisition plans, which can be issued by various other authorities.

The applicant must provide evidence that all conditions of consent that are required to be satisfied have been satisfied before subdivision certificate and strata certificate can be issued (where applicable).

91. Subdivision Certificate Application Fee

The submission of a 'Subdivision Certificate Application' requires the payment to Council of a Subdivision Certificate Application 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 \$500.

92. Linen Plans and Administration Sheet Documents

The following documents shall be prepared by a Registered Surveyor and submitted to Council:

- c) NSW Land Registry Services 'Plan Form 6' and 'Plan Form 6A' (where applicable). (Torrens Title)
- d) Torrens Subdivision Plan (Linen)

If it is proposed to create easements, rights of carriageways, restrictions or covenants, the 88B Instrument must be provided with provision for execution by the Council Authorised Person on each sheet.

A PDF copy of the endorsed Subdivision Certificate documents will be uploaded to the Planning Portal and the original copies returned to the Applicant.

93. Subdivision Certificate Release Fee (Torrens)

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 for Stage 2 is \$12,200.00.

94. 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.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

95. Sydney Water Connection – Section 73

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 <http://www.sydneywater.com.au/SW/plumbing-building-developing/developing/Section-73-Compliance-Certificates/index.htm> 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.

96. Endeavour Energy Connection

A "Satisfactory Arrangement" Certificate from Endeavour Energy stating the provision of electricity services to all allotments must be obtained. 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).

97. NBN Connection

The submission of a Certificate of Practical Completion from a Telecommunications carrier as evidence that satisfactory arrangements have been made for all communications plant to be laid underground.

For further enquiries regarding the issue of the Certificate of Practical Completion, contact the NBN on 1800 687 626 or complete the online form at <https://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/submit-and-apply>

98. Easement of all Services

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

99. Dedication of Roadway

The dedication to the public as road on the final plan of subdivision at no cost to Council of the following:

- Bean Crescent
- Palisade Crescent
- Joiner Street
- Garden Street
- Lane No.1

100. Driveway Locations

Prior to the issue of a Subdivision Certificate for Stage 2, a survey plan is to be submitted to Council demonstrating that the driveway laybacks have been constructed in accordance with the Parking Diagrams Sheets 1-4, prepared by J.Wyndham Prince Revision D, and parking spaces are provided in accordance with the Parking Diagram Plans.

101. Fencing Restrictive Covenant

The creation of a restrictive covenant over the proposed following residential Lots that no fencing fronting streets (primary and secondary frontages) shall be erected without Council approval and that all fencing shall be in accordance with Council's Fencing Code.

Lots 207, 216, 219, 218, 219, 231, 248, 255, 246, 261, 273, 280, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 314, 315.

102. 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 corner of the following roads:

Cnr Raymond St and Bean Crescent Lot 273
Cnr Palisafe Cres and Bean Crescent Lots 261 & 248
Cnr Shoemaker Street and Palisade Crescent Lot 255
Cnr Joiner St and Bean Crescent Lot 246
Cnr Joiner St and Newleaf Parade Lots 216 & 217
Cnr Palisafe Crescent and Newleaf Parade Lot 218
Cnr Garden Street and Joiner Street Lot 219
Cnr Newleaf Parade and Garden St Lots 206 & 207
Cnr Humphries Road and New Leaf Parade Lot 201
Cnr Bean Crescent and Humphries Rd Lot 314 and 315 on two sides

103. Right of Carriageway – Maintenance and Repair – For Lots 266 & 267 ONLY

The creation of a Right of Carriageway variable width and positive covenant for maintenance and repair over proposed Lots 266 & 267 in the following terms:

Terms of Easement

Full and free right for every person who is at any time entitled to an estate or interest in possession in the land identified in the abovementioned plan as a lot benefited or any part thereof with which the right shall be capable of enjoyment, and every person authorised by that person to go, pass and re-pass at all times and for all purposes with or without animals or vehicles or both to and from the said lot benefited or any part thereof, subject to the following provisions.

Terms of Positive Covenant

1. The proprietors of the lots hereby benefited shall at all times and from time to time maintain and repair without delay any part of any lot hereby burdened identified on the above mentioned plan as the site of the right of carriage way variable width and in respect of any part of any such lot hereby burdened on which any part of such right of carriage way variable width is constructed or located PROVIDED THAT all costs and expenses of such maintenance and repair shall be borne equally by the proprietors of the lots hereby benefited or the proprietors of any part or parts thereof with which the right shall be capable of enjoyment.
2. The land to which the benefit of the positive covenant referred to in paragraph 1 hereof is appurtenant is any lot hereby burdened by the right of carriage way variable width identified in the abovementioned plan.
3. The land which is subject to the burden of the positive covenant referred to in paragraph 1 hereof is any lot hereby benefited by the right of carriage way variable width identified in the abovementioned plan.
4. If any dispute arises relating to the need to carry out any maintenance and repair pursuant to the positive covenant referred to in paragraph 2, including the nature of work or its reasonable cost, that dispute shall be determined by an arbitrator appointed by the proprietors under the

Commercial Arbitration Act, 1984 whose determination shall be final and binding on all proprietors.

5. For the purposes of the positive covenant referred to in paragraph 2 hereof, unless inconsistent with the context:- Maintain and repair includes in relation to the lots burdened, the maintenance, repair and replacement of any pavement, surface or finish to the site of the right of carriage way variable width together with any foundation to same and any gutters, drains, trenches, earth banks and kerbs forming part of the site of the right of carriage way variable width.

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

104. Restriction on Use – Dual Occupancies, Secondary Dwellings & Studios

The creation of a restriction on the use of land over proposed lots 201, 202, 203, 204, 205, 206 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 319, 320, and 321 in the following terms:

“The proprietor of the burdened lots shall not have any additional dwellings in the form of dual occupancies, secondary or studio dwellings (whether detached or attached) to be erected or permitted to remain on it.

Name of person empowered to release, vary or modify the Restriction on Use:-

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

105. Restriction on Use – Vehicular Access to Humphries Road and Cabramatta Road West

The creation of a restriction on the use of land over proposed lots 201, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318 and 319 in the following terms:

“The proprietor of the burdened lots shall not provide vehicular access to the lots via Humphries Road or Cabramatta Road West at any time.

Name of person empowered to release, vary or modify the Restriction on Use:-

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

106. **Positive Covenant – Car Parking**

A Positive Covenant shall be created over lots 201, 202, 203, 204, 205, 206 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 319, 320 and 321, in the following terms:

The proprietor of the burdened lots shall provide a minimum of two (2) car parking space within the lot boundaries. Where appropriate, one (1) car parking space can be provided in a stacked parking arrangement and is not required to be in a carport or garage structure.

Authority with the right to release vary or modify positive covenant is with Fairfield City Council.

107. **Positive Covenant – Landscaping** for each residential lot

A Positive Covenant shall be created over the following residential lots 201, 202, 203, 204, 205, 206 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 319, 320, 321 in the following terms:

A minimum of one tree shall be planted and maintained at all times in the front setback of the lot and one tree in the rear setback of the lot, on each identified residential lot. Tree species planted shall be from the following list only, as shown on Predicated Canopy Coverage Plan, Issue H, dated 19.11.2021 prepared by Distinctive.

32-20 Plant Species within Private Domain								
Code	Genus	Species	Hybrids/ Cultivars	Common Name	Pot Size	Height	Width	Density
Trees								
Hi Ru	Hibiscus	tiliaceus	'Rubra'	Sea Hibiscus	75L	4	2	As Shown

El eu	Elaeocarpus	eumundii		Quondong	45L	8	5	As Shown
La Si	Lagerstroemia	indica	x L. Fauriei 'Sioux'	Sioux (hot pink) Crepe Myrtle	45L	4	3	As Shown
Ma io	Malus	ioensis	'plena'	Iowa Crabapple	45L	6	4	As Shown
Pr Ni	Prunus	cerasifera	'Nigra'	Purple-leaved Flowering Plum	45L	5	4	As Shown
Py us	Pyrus	ussuriensis		Manchurian Pear	75L	9	7	As Shown
Wa Sw	Waterhousia	floribunda	'Sweeper'	Sweeper Weeping Lilly Pilly	75L	6	4	As Shown

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

108. Restriction on Use – Driveway Locations – Lot 265 & 268 ONLY

The creation of a restriction on the use of land over proposed lots 265 & 268 in the following terms:

"The proprietor of the burdened lots must not construct, or allow to be constructed a road or other means of vehicular access over the area of the boundary marked 'G' on Proposed Subdivision Concept Plan, prepared by Premise, Revision X at any time.

Name of person empowered to release, vary or modify the Restriction on Use:-

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

109. Positive Covenant – Bin Location – Lot 266 & 267 ONLY

A Positive Covenant shall be created over Lot 266 and 267 on the approved Subdivision Plan in the following terms:

The registered proprietor of the lot(s) hereby burdened must present their garbage bins at the location marked 'G' on Proposed Subdivision Concept Plan, prepared by Premise, Revision X, for collection and comply with the waste requirements of Fairfield City Council.

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

110. Positive Covenant – Acoustic Treatment

A Positive Covenant shall be created over Lot 201, Lot 202, Lot 203, Lot 281, Lot 282, Lot 283, Lot 284, Lot 285, Lot 286, Lot 287, Lot 288, Lot 289, Lot 290, Lot 291, Lot 292, Lot 293, Lot 294, Lot 295, Lot 296, Lot 297, Lot 298, Lot 299, Lot 300, Lot 301, Lot 302, Lot 303, Lot 304, Lot 305, Lot 306, Lot 307, Lot 308, Lot

309, Lot 310, Lot 311, Lot 312, Lot 313, Lot 314, Lot 315, Lot 316, Lot 317, Lot 318, Lot 319, Lot 320 and Lot 321 in the following terms:

The proprietor of the burdened lot shall employ all relevant recommendations contained within DA Acoustic Report prepared by Renzo Tonin and Associates, dated 8 February 2023, Version TL543-01F02 DA Acoustic Report (r3) in regard to building and construction requirements, acoustic treatment requirements, ventilation requirements and boundary fences.

Each noise affected lot shall conduct an individual acoustic assessment of the construction plans prior to any construction works occurring to ensure correct interpretation and application of the recommendations of the DA Acoustic Report. The Acoustic Assessment shall be submitted to the Principal Certifier prior to any construction works commencing onsite.

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

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