

**DRAFT CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO. DA 351.1/2022 and PAN-278165****SYDNEY WESTERN CITY PLANNING PANEL NO. PPSSWC-307****PROPERTY:**

| <b>LOT AND DP</b>   | <b>ADDRESS</b>                           |
|---------------------|--|
| Lot: 453 DP: 839627 | 56 Tarlington Parade, Bonnyrigg          |
| Lot: 13 DP: 1143255 | 24A Tarlington Parade, Bonnyrigg         |
| Lot: 454 DP: 839627 | Refer to attached list of 118 properties |

**DESCRIPTION OF DEVELOPMENT:**

**NEWLEAF BONNYRIGG RENEWAL PROJECT - STAGES 12 AND 13 STAGED TORRENS TITLE SUBDIVISION INTO 4 SUPER LOTS, 3 OPEN SPACE LOTS, AND ASSOCIATED TREE REMOVAL, LANDSCAPING, PUBLIC DOMAIN WORKS, EARTHWORKS, AND ROADWORKS.**

**STAGE 1:**

- **CREATION OF VACANT SUPER LOT 1201**
- **CREATION AND EMBELLISHMENT OF OPEN SPACE LOT 1202 (BONNYRIGG SQUARE)**
- **CREATION OF RESIDUE LOT 1203 (FOR FUTURE STAGES)**
- **THE CONSTRUCTION OF PART OF PROPOSED 'ROAD NO. 1' INCLUDING A TEMPORARY CUL-DE-SAC**
- **THE CONSTRUCTION WORKS TO THE BONNYRIGG AVENUE INTERSECTION AND EXISTING MEDIAN STRIP**

**STAGE 2:**

- **CREATION OF A VACANT SUPER LOT 1203**
- **CREATION AND EMBELLISHMENT OF OPEN SPACE LOT 1204 (VILLAGE GREEN)**
- **CREATION OF 1205 (TARLINGTON RESERVE)**
- **CREATION OF RESIDUE LOT 1206 (FOR FUTURE STAGES)**
- **THE CONSTRUCTION AND CONTINUATION OF PART OF PROPOSED 'ROAD NO. 1'**
- **THE CONSTRUCTION OF 'ROAD NO. 2'.**

**STAGE 3:**

- **CREATION OF A VACANT SUPER LOT 1301**
- **CREATION OF VANCANT SUPER LOT 1302**
- **THE CONSTRUCTION AND COMPLETION OF 'ROAD NO. 1'.**

## **APPROVED DOCUMENTATION**

### **DEFERRED COMMENCEMENT**

#### **Schedule A Conditions**

Satisfy Schedule A Conditions to receive Operative Consent and proceed with Schedule B Conditions

#### **A1. Voluntary Planning Agreement**

The Voluntary Planning Agreement for Stage 8-18 as required pursuant to condition A7 of MP06-0046 MOD 5 shall be executed. A copy of the executed agreement shall be provided to Council.

#### **Schedule B Conditions**

### **APPROVED DOCUMENTATION**

#### **B1. 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. 320300/R01, Dated 31 OCTOBER 2022.
- Construction Environmental Management Plan (CEMP), Prepared by J.Wyndham Prince, Issue B, Dated 7 October 2022.
- Traffic and Transport Assessment, Prepared by The Transport Planning Partnership, Issue V03, Reference No. 22002, Dated 17 October 2022.
- Utility Services Report, Prepared by J.Wyndham Prince, Issue B, Dated 19 October 2022.
- Traffic Modelling Statement, Prepared by The Transport Planning Partnership, Reference No. 22002, Dated 2 June 2023
- Detailed Site Investigation, Prepared by JBS&G, Revision A, Dated 25 March 2022.
- Biodiversity Development Assessment Report, Prepared by Cumberland Ecology, Project No. 23123RP1, Dated 14 February 2024.
- 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.
- 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.
- Arboricultural Impact Assessment, Prepared by Creative Planning Solutions, Job #: E938, Revision A, Dated 17 October 2022

**APPROVED PLANS**

| <b>Drawing Title</b>                               | <b>Drawing No.</b> | <b>Issue</b> | <b>Project No.</b> | <b>Drawn By</b> | <b>Dated</b> |
|--|--------------------|--------------|--------------------|-----------------|--------------|
| Proposed Plan of Subdivision – Staging Plan        | TP03               | D            | 320300_01          | Premise         | 27.10.22     |
| Proposed Plan of Subdivision – Stage 12-01         | TP01               | A            | 320300_04          | Premise         | 27.10.22     |
| Proposed Plan of Subdivision – Stage 12-02         | TP01               | A            | 320300_05          | Premise         | 27.10.22     |
| Proposed Plan of Subdivision – Sages 13-01 & 13-02 | TP01               | A            | 320300_06          | Premise         | 21.10.22     |

**Landscaping, Stormwater, Lot and Roadworks Plans**

| <b>Drawing Title</b>               | <b>Drawing No.</b> | <b>Issue</b> | <b>Project No.</b> | <b>Drawn By</b>   | <b>Dated</b> |
|------------------------------------|--------------------|--------------|--------------------|-------------------|--------------|
| Landscaping Plan                   | Sheets 1 to 22     | G            | 06-22              | Distinctive       | 14.03.24     |
| Cover Sheet                        | DA001              | A            | 110808-01          | J. Wyndham Prince | 29.02.22     |
| Index, Notes & Legend              | DA002              | D            | 110808-01          | J. Wyndham Prince | 19.04.23     |
| Overall Site & Pavement Plan       | DA003              | C            | 110808-01          | J. Wyndham Prince | 13.10.22     |
| Staging Plan                       | DA004              | D            | 110808-01          | J. Wyndham Prince | 19.04.23     |
| Typical Sections                   | DA005              | B            | 110808-01          | J. Wyndham Prince | 19.04.23     |
| Cut & Fill Plan                    | DA010              | B            | 110808-01          | J. Wyndham Prince | 12.10.22     |
| Engineering Plan Sheet 1           | DA050              | C            | 110808-01          | J. Wyndham Prince | 19.04.22     |
| Engineering Plan Sheet 2           | DA051              | C            | 110808-01          | J. Wyndham Prince | 19.04.22     |
| Engineering Plan Sheet 3           | DA052              | B            | 110808-01          | J. Wyndham Prince | 19.04.22     |
| Road Longitudinal Sections Sheet 1 | DA100              | B            | 110808-01          | J. Wyndham Prince | 12.10.22     |
| Road Longitudinal Sections Sheet 2 | DA101              | B            | 110808-01          | J. Wyndham Prince | 12.10.22     |
| Site Sections & Turning Path       | DA102              | B            | 110808-01          | J. Wyndham Prince | 19.04.23     |
| Catchment Plan                     | DA200              | B            | 110808-01          | J. Wyndham Prince | -            |
| Drainage Longitudinal Sections     | DA300              | A            | 110808-01          | J. Wyndham Prince | 29.09.22     |

|  |       |   |           |                   |          |
|--|-------|---|-----------|-------------------|----------|
| Sheet 1                                |       |   |           |                   |          |
| Drainage Longitudinal Sections Sheet 2 | DA301 | A | 110808-01 | J. Wyndham Prince | 29.09.22 |
| Drainage Longitudinal Sections Sheet 3 | DA302 | B | 110808-01 | J. Wyndham Prince | 19.04.23 |
| Drainage Longitudinal Sections Sheet 4 | DA303 | A | 110808-01 | J. Wyndham Prince | 29.09.22 |
| Drainage Longitudinal Sections Sheet 5 | DA304 | A | 110808-01 | J. Wyndham Prince | 29.09.22 |
| Soil & Water Management Plan           | DA400 | B | 110808-01 | J. Wyndham Prince | -        |
| Soil & Water Management Notes          | DA401 | A | 110808-01 | J. Wyndham Prince | 29.09.22 |
| Tree Plan                              | DA600 | B | 110808-01 | J. Wyndham Prince | -        |
| Services Plan                          | DA601 | B | 110808-01 | J. Wyndham Prince | -        |
| Signage & Line Marking Plan            | DA602 | A | 110808-01 | J. Wyndham Prince | 19.04.23 |

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.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

**Reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

## GENERAL CONDITIONS

### B1. 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.

**Reason:** To ensure compliance with Community Renewal Services Plan and Social Impact Assessment.

### B2. NSW Protection of the Environment Operations Act 1997

The use of the premises 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*.

**Reason:** To ensure compliance with Protection of the Environment Operations Act 1997.

### B3. Confirmation of Credit Retirement – BDAR report

Evidence of the Retirement of Credits or Payment the Biodiversity Conservation Fund shall be submitted to Council prior to the commencement of works. One of following shall be submitted:

- Retirement of credits: A Credit Retirement Report issued by NSW Department of Planning, Industry and Environment (DPIE) will confirm any credit transactions
- Payment to the BCF: A Section 6.33 Statement issued by the Biodiversity Conservation Trust will confirm payment to the Biodiversity Conservation Fund.

**Reason:** To comply with the Biodiversity Conservation 2016.

### B4. Weed Management

#### Prevention

Appropriate construction site hygiene measures will be implemented to prevent entry of new weeds to the area such as the cleaning of equipment prior to entering the Subject Land.

#### Eradication

Weed management will be carried out within the Subject Land according to best- practice methods under the direction of a suitably qualified bush regenerator. The targeted species will be those listed under Appendices 1 and 2 of the Greater Sydney Regional Strategic Weed Management Plan 2023 – 2027 (LLS: Greater Sydney 2022). Initial weed treatment will include eliminating woody species and targeting large dominant infestations of exotic herbs.

#### Containment

Follow-up monitoring and maintenance should be undertaken in the Subject Land following vegetation clearing activities, to contain any re-emergence of weed species

**Reason:** To ensure adequate maintenance of landscaping

### B5. Delineation of Clearing Limits

The current limits of clearing will be marked either by high visibility tape on trees or metal/wooden pickets, fencing or an equivalent boundary marker that will be installed prior to clearing. To avoid unnecessary or inadvertent vegetation and habitat removal or impacts on fauna, disturbance must be restricted to the delineated area and no stockpiling of equipment, machinery, soil or vegetation will occur beyond this boundary.

**Reason:** To ensure vegetation clearance during construction is confined within the APZ

### B6. Staging of Clearing

The clearing will be conducted using a two-stage clearing process as follows:

#### Stage 1:

Clearing will commence following the identification of potential habitat features by a qualified ecologist. Hollow-bearing trees marked during pre-clearing will not be cleared during the first stage. However, all vegetation around these trees will be cleared to enable isolation of the feature. Other habitat features, such as hollow-bearing logs, can be removed during Stage 1 only if done under supervision by a qualified ecologist.

Identified hollow-bearing trees will be left at a minimum overnight after Stage 1 clearing to allow resident fauna to voluntarily move from the area.

Please note, the Ecologist shall be a qualified and experienced Ecologist with a minimum tertiary degree in Science, Conservation, Biology, Ecology, Natural Resource Management, Environmental Science or Environmental Management.

*The Ecologist must be licensed with a current Department of Primary Industries Animal Research Authority permit and New South Wales Scientific License issued under the BC Act.*

#### Stage 2:

After hollow-bearing trees have been left overnight, the trees will be cleared using the following protocols:

- Trees marked as containing hollows will be shaken by machinery prior to clearing to encourage any animals remaining to leave the hollows and move on;

Use a bulldozer or excavator to start pushing the tree over. Move the bulldozer over the roots and continue gently pushing the tree over;

- Remove branches with hollows and sections of trunk and set aside for immediate transfer to a storage area for placement within retained vegetation; and  
All hollows will be investigated by an ecologist for the presence of fauna following felling of the tree.

The felled habitat tree will be left overnight to allow any remaining fauna time to leave the hollows and move on.

The two-stage clearing process enables fauna a chance to self-relocate upon nightfall, when foraging typically occurs.

The demolition of built structures will be guided by the results of the pre-clearing surveys. Where suitable bat roost sites and evidence of bat usage is recorded, the relevant built structures should be demolished under supervision of an ecologist. Staging of the demolition of the built structures may also be required to provide

opportunity for any roosting bats to self-relocate. Depending on the location of potential suitable roosting sites, the method for demolition of the existing buildings may involve an initial removal of the roof structures, with the buildings left overnight without roofing. Demolition of the remaining portion of the buildings would then occur on the following

day. The specific details of the recommended demolition process will be included in the pre-clearance letter, as required.

Provisions are to be made to protect any native fauna during clearing activities by the following means:

- All staff working on the vegetation clearing will be briefed about the possible fauna present and should avoid injuring any present.
- Animals disturbed or dislodged during the clearance but not injured will be assisted to move to adjacent bushland or other specified locations; and
- If animals are injured during the vegetation clearance, appropriate steps will be taken to humanely treat the animal (either taken to the nearest veterinary clinic for treatment, or if the animal is unlikely to survive, it will be humanely euthanised).

Provision of a report following the completion of clearing works will be provided detailing the total number and species of individuals recorded and details of their release/health.

**Reason:** To ensure vegetation clearance during construction is confined within the works

### B7. **Hollow Replacement**

One hollow-bearing tree, with a total of one small hollow was recorded within an exotic tree to be removed within the Subject Land. This will be replaced at a 2:1 ratio for tree hollows, with nest boxes, with nest boxes matched to size of hollow removed. As such two nest boxes will be installed on trees to be retained within the Subject Land. Any other hollows identified at any point to be removed will be offset at a 2:1 ratio with nest boxes of a similar size to the hollow/s to be removed.

**Reason:** To ensure the protection of objects of potential significance during works.

### B8. **Landscaping**

Where possible, it is recommended that native plant species characteristic of Cumberland Plain Woodland be incorporated into the landscape plan for the Subject Land. All native plant species should be sourced from local nurseries or come from seed sourced from the study area. The landscape plans for the project prepared by Premise (Report Dated 2<sup>nd</sup> February 2024) currently propose that an array of Cumberland Plain Woodland tree species will be planted in parkland areas including *Corymbia maculata*, *Eucalyptus crebra*, *Eucalyptus eugenioides*, *Eucalyptus fibrosa*, *Eucalyptus moluccana*, and *Eucalyptus tereticornis*.

**Reason:** To ensure the restoration of the environmental amenity of the area.

### B9. **Environmental Reports Certification**

Prior to commencement of works onsite for Stages 1, 2 & 3, 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:

Detailed Site Investigation Report, prepared by JBS&G, dated 25 March 2022, REF: 62436-143977 (Rev A)

**Reason:** To ensure land contamination assessment have been undertaken by a certified land contamination consultant.

### B10. Validation Report

After remediation has occurred to the respective stage, a validation report shall be prepared by a suitably qualified contaminated land consultant and be provided to Fairfield City Council for review no later than sixty (60) days after the remediation is completed. The Validation Report shall be prepared in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (April 2013), and NSW Environment Protection Authority Guidelines.

**Reason:** To confirm the site is suitable for proposed use and compliance with State Environmental Planning Policy (resilience and hazards) 2021.

### B11. Compliance with Voluntary Planning Agreement

The Voluntary Planning Agreement for Stage 8-18 as required pursuant to condition A7 of MP06-0046 MOD 5 shall be complied with, at all times.

### B12. Traffic Committee Approval – Signage, Line marking & other Changes to Public Roads

Before a Subdivision Works Certificate can be issued for the relevant Stage, detailed plans of Road One, Road Two, and the modifications to Bonnyrigg Avenue shall be submitted to Fairfield City Council's Traffic Branch for approval, showing the following:

- proposed raised thresholds (set back from intersection a vehicle length or reference to the relevant traffic standard for the placement and design),
- flat-top speed humps,
- raised wombat pedestrian crossing,
- shared zone,
- one-way intersection layouts,
- indented parking bays,
- median island alterations,
- all proposed traffic signage,
- line marking including marked on-street parking spaces,

The plans are to be designed in accordance with the relevant Australian Standard, Austroads Guide, TfNSW Technical Direction and supplement.

All costs associated with the design and construction is to be bore by the developer at no cost to Council.

**Reason:** To enable Council to exercise its delegation managing traffic-related matters on local roads



## **STAGE 1**

**Stage 1 consist of the following works:**

- **Torrens title Subdivision to create:**
  - **Vacant super lot 1201 (future residential development).**
  - **Residue Lot 1203 (For Stages 2 & 3)**
  - **Open Space Lot 1202 (Bonnyrigg Square)**
- **Construction Road & Drainage:**
  - **Part of Road No. 1, including creation of a temporary cul-de-sac.**
  - **Modification to Intersection with Bonnyrigg Avenue.**
  - **Modification to existing Median Strip in Bonnyrigg Avenue.**
- **Construction and Embellishment of:**
  - **Bonnyrigg Square**

### **BEFORE THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE**

#### **B13. Construction Traffic Management Plan**

A Subdivision Works Certificate shall be issued 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.

**Reason:** To minimise the impacts of construction activities on the surrounding environment

#### **B14. Roads Act Approval – Modification to the Median Strip**

A Subdivision Works Certificate shall be issued, a Roads Act Approval shall be issued for the modification for any alterations to any Public Road, including the existing median strip located within Bonnyrigg Avenue. Once the alterations have been approved by Fairfield's Traffic Committee, Design details and specifications shall be submitted via a Subdivisions Works Certificate and approved by Fairfield City Council before the commencement of works on site. The design detail shall be in accordance with Councils Roadworks and Drainage Specifications.

**Reason:** To ensure all new roads proposed is constructed in accordance to Councils Roadworks and Drainage Specifications.

### BEFORE SUBDIVISION WORK COMMENCES

#### B15. Issue of Subdivision Works Certificate (Engineering Approval)

Before the commencement of any works on site a Subdivision Works Certificate (Engineering Construction Certificate) must be issued by Fairfield City Council or an Accredited Certifier.

All Subdivision Works Certificates require Civil Engineering Plans prepared by a suitably qualified person and include design details for each component of works relating to the staged subdivision.

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 with inspections being carried out in accordance with Council's Specification for Roadwork and Drainage associated with Subdivision or other Development. (EP&A Act, Section 81(2)(b)).

Application for a Subdivision Work Certificate is made via the NSW DPIE Planning Portal.

**Reason:** Statutory Requirement.

#### B16. Erosion and Sediment Control

A Subdivision Works Certificate shall be issued, the proposed Erosion and Sediment Control in accordance with Council's policy for Urban Erosion and Sediment Control shall be submitted and approved by Fairfield City Council.

**Reason:** to protect the local creek and river systems from erosion and sediment.

#### B17. Footpath & Cycleway Paving

A Subdivision Works Certificate shall be issued, the design of the construction of Council's standard concrete footpath paving by the developer as per the approved Civil Engineering drawings shall be submitted to Fairfield City Council for approval. 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.

**Reason:** To ensure satisfactory pedestrian access along new roads.

#### B18. Open Space – Bonnyrigg Square

The design of Bonnyrigg Square shall be consistent with the Voluntary Planning Agreement. The design and construction of the open space lots shall be designed in accordance with the approved Landscape Plan and Council's specifications.

**Reason:** To ensure compliance with the Voluntary Planning Agreement.

**B19. Construction of Roadway – Road No. 1 & Temporary Cul-De-Sac (unless Road No. 1 is constructed in its entirety)**

A Subdivision Works Certificate shall be issued, the design of the construction of a full width road and drainage within the Approved Civil Engineering Drawings adjacent to the approved allotments in accordance with Councils Roadworks and Drainage Specifications shall be submitted for approval to Fairfield City Council.

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

**Reason:** To ensure all new roads proposed is constructed in accordance to Councils Roadworks and Drainage Specifications.

**B20. Gross Pollutant Traps & Associated Stormwater Works**

A Subdivision Works Certificate shall be issued, the design of a Gross Pollutant Trap and associated stormwater work, as per the approved concept engineering plans shall be submitted to Fairfield City Council for approval. The design and construction shall be in accordance with Councils Roadworks and Drainage Specifications.

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

**Reason:** To ensure the design and construction is in accordance to Councils Roadworks and Drainage Specifications and Councils Stormwater Management Policy.

**B21. 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. Before the issue of the Subdivision Certificate, the dilapidation survey shall be repeated, and any deterioration made good or paid for by the applicant.

**Reason:** To record the condition of public infrastructure prior to any truck movements and protect public infrastructure.

**B22. Tree Protection as per Arborist Report**

Before the commencement of any works on site for Stage 1, the trees identified for protection on Project Number 110808-01, prepared by J Wyndham Prince, Revision B and referenced in report No. E938, dated 17/10/2022, prepared by Creative Planning shall be protected prior to and during the demolition/construction process in accordance with the documents referenced above to ensure the protection of the tree(s) to be retained on the site.

**Reason:** To ensure adequate protection of existing trees.

## **DURING SUBDIVISION WORK**

### **B23. Notifying Council of Commencement of Works**

It is a requirement of the Environmental Planning and Assessment Act that you notify Fairfield City Council at least two (2) days prior to the intention to commence work on site. (EP&A Act, Section 6.6).

**Reason:** To notify Council the commencement of approved works

### **B24. 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.

**Reason:** (Prescribed condition EP&A Regulation, clauses 98A (2) and (3)).

### **B25. Tree Protection**

During subdivision works, the applicant must maintain all required tree protection measures in good condition in accordance with:

- a) the construction site management plan required under this consent,
- b) the relevant requirements of AS 4970-2009 Protection of trees on development sites
- c) any arborist's report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

**Reason:** To protect trees during construction.

### **B26. 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.

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.

**Reason:** To protect the amenity of the surrounding area.

### B27. Responsibility of Changes to Public Infrastructure

While subdivision work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

**Reason:** To protect public infrastructure and services assets.

### B28. Cut and Fill

During work on site, 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.

**Reason:** To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

### B29. Soil Compaction Testing for any Land Filling

Soil Compaction Testing is required for any land filling operations carried out during construction. The frequency and standards of testing shall be in accordance with the following:

- Testing to establish the field dry density every 300 mm rise in vertical height.
- The minimum compaction requirement is 95% standard compaction.
- Test sites shall be located randomly across the fill site with 1 test per 500 m<sup>2</sup> (minimum 1 test per 300 mm layer).

A Compaction Report prepared by a suitably qualified Geotechnical Engineer shall be submitted before the issue of the Subdivision Certificate.

**Reason:** To ensure any lot filling is placed and compacted to reduce future settlement and damage to future structures.

### B30. Deliveries and onsite 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) All deliveries to the premises shall be made to the rear service lane/loading bay/s provided.
- e) All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.

**Reason:** To ensure the amenity of surrounding properties and ensure safe loading and unloading practices.

### B31. Chain of Custody Documentation

'Chain of Custody' documentation shall be kept for the transport of the validated fill material from the source site at authorised location, to the subject premises. A record of 'Chain of Custody' shall be submitted to Council within 7 days of the fill material being moved to or from the subject site.

**Reason:** To ensure that imported / removed fill is of an acceptable standard.

### B32. 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.

**Reason:** To ensure compliance with Council Vehicular Crossing Policy.

### B33. 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 Certifier. A separate Development Application shall be lodged with Council for any proposed retaining wall not defined as exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Reason:** To ensure work is undertaken lawfully.

### B34. Duty to Report Contamination

If the Duty to Report contamination to the NSW Environment Protection Authority under Section 60 of the *Contaminated Land Management Act 1997* is triggered, Council must be notified within Fourteen (14) days of the notification to the NSW Environment Protection Authority.

**Reason:** To ensure compliance with Section 60 of the *Contaminated Land Management Act 1997*.

## SUBDIVISION CERTIFICATE APPLICATION

### B35. Subdivision Certificate Application

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

All documents & certificates relating to Stage 1 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.

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).

**Reason:** Application Process of the Subdivision Certificate.

### B36. Subdivision Certificate Application Fee

The submission of a 'Subdivision Certificate Application' as required by Condition No. B39 of this Consent 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. Council will review the value of this fee 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 **\$525.00**.

**Reason:** Council's Annual Schedule of Fees and Charges.

### B37. 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. Council will review the value of this fee 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 **\$318.15**.

**Reason:** Council's Annual Schedule of Fees and Charges.

### B38. Maintenance Bond

Prior to the issue of the Subdivision Certificate, a maintenance bond covering all works constructed in association with the subdivision shall be submitted to Council.

The maintenance bond is to be paid in cash or a bank guarantee. Council will determine the value of the maintenance bond 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.

Council will generally hold the maintenance bond 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.

**Reason:** To allow the future assessment of the performance all new infrastructure and assets have been completed to Councils satisfaction.

### B39. Landscaping Bond

The submission to Council of a bond as determined by Council ensuring the provision of effective landscaping and maintenance thereof, in accordance with this development consent. The bond is to be paid in cash or bank guarantee. The bond shall be paid prior to release of the final plan of subdivision.

The bond will 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 or until the growing season thereafter. The bond will be released subject to satisfactory establishment and maintenance of the landscape area.

Should the applicant dispose of the property within the twelve (12) months period, it shall be his/her responsibility to include in the contract of sale a condition granting him/her access to the property to maintain the landscaping or alternatively to make suitable arrangements with the purchaser to take over the responsibility for the bond for the maintenance of the landscaping.

**Reason:** To ensure the approved landscaping works have been completed and maintained for all new subdivisions.

### B40. Concrete Path Paving Bond

The submission to Council of a bond covering the construction of concrete path paving in accordance with the approved engineering plans. The path paving bond is to consist of a Deed of Agreement (a blank copy of which is available from Council's Administration Centre, Avoca Road, Wakeley), a plan detailing the extent of path paving works covered by the bond and a cash deposit or bank guarantee. The value of the concrete path paving 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.

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.

**Reason:** To allow the future assessment of the performance all new infrastructure and assets have been completed to Council's satisfaction.

### **B41. Linen Plans & Administration Sheet Documents**

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

- a) Land & Property Information's 'Plan Form 6' and 'Plan Form 6A' (where applicable). (Torrens Title)
- b) Torrens Subdivision Plan (Linen)

If it is proposed to create easements, rights of way, restrictions or covenants, an 88B Instrument shall be provided. It shall include a 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.

**Reason:** For the issue of the Subdivision Certificate.

### **B42. Registered Surveyor Certification**

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.

**Reason:** To confirm that all services are contained wholly within their respective allotments and to protect the State's survey infrastructure.

### **B43. Easement for all Services**

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

**Reason:** To ensure all encroaching services can be accessed and maintained by the benefitted Lot.

### B44. **Restriction on Use – Road**

A Restriction on Use shall be created over Lot 1201 in the following terms:

"There shall be no occupation of the burdened lot for any residential accommodation or otherwise until such time that a 10m wide road reserve has been constructed and is in operation in accordance with the Bonnyrigg Community Plus Concept Approval dated 2019. The location and width of the road shall be as shown on Bonnyrigg Community Plus Project Architectus Sydney & AJ+C, Drawing sheet 'Street Hierarchy', Sheet Drawing MOD0013, Issue B, Dated 18th December 2019".

**Reason:** To ensure road is to be constructed as per the VPA.

### B45. **Restriction on Use – Fencing along Public Reserve**

A Restriction on Use shall be created over Lot 1201 in the following terms:

"No fencing shall be erected along common boundary with the Public Reserve "

### B46. **Dedication of Road**

The dedication to the public as road on the final plan of subdivision at no cost to Council of 'Road No. 1'.

**Reason:** To ensure road is to be dedicated.

### B47. **Dedication of Splay Corners**

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 corners of Bonnyrigg Avenue and Proposed Road No. 1.

**Reason:** To ensure road is to be dedicated.

### B48. **Compliance with Stage 1 of the Subdivision Works Certificate**

Before the issue of a Subdivision Certificate, all construction works approved for the Road and Drainage systems of the development consent must comply with the terms of the consent the plans, specifications and any other approved documents relevant to the approved Subdivision Work Certificate.

**Reason:** To ensure all road and drainage works are completed.

### B49. **Compliance with Roads Act Approval – Median Strip Modification**

Before the issue of a Subdivision Certificate, a Compliance Certificate shall be issued for the construction works approved under the Roads Act Approval for the modification of the median strip in Bonnyrigg Avenue. The outcome must comply with the terms of the consent the plans, specifications, and any other approved documents.

**Reason:** To ensure road works are in accordance with approved plans

### B50. Works-as-executed Plans and any other Documentary Evidence

Before the issue of the Subdivision Certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- a) Partial construction of Road 1 from its intersection with Bonnyrigg Avenue to its termination at a temporary turning head; leading into the Stage 2 site.
- b) Bonnyrigg Avenue median island alterations.
- c) Associated Stormwater works including the Gross Pollutant Trap (GPT).

The works-as-executed dimensions and levels are to be completed on the stamped plans of the engineering construction certificate issued by Council or by an Accredited Certifier. All dimensions and levels are to be provided in blue or red text. Council will not accept "work as executed" plans with coloured highlighter markings on the plans.

**Reason:** To confirm the location and levels of works once constructed.

### B51. Redundant Vehicular Layback

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

**Reason:** To reduce the number of vehicular access points per lot.

### B52. Repair of Infrastructure

Before the issue of a Subdivision Certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

**Note:** If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

**Reason:** To ensure any damage to public infrastructure is rectified.

### B53. Completion of Landscape and Tree Works

Before the issue of a Subdivision Certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with *AS 4373-2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans (excluding Bonnyrigg Square) and any relevant conditions of this consent.

**Reason:** To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).

### B54. Completion of Public Utility Services

Before the issue of the Subdivision Certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer,

electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the Subdivision Certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

**Reason:** To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

### **B55. Sydney Water Compliance Certificate – Section 73**

Before the issue of a Subdivision Certificate, a “Section 73 Compliance Certificate” under the Sydney Water Act, 1994 must be obtained and submitted to Council. For land subdivisions, the Certificate must refer specifically to the subdivision and this development consent. (Issued under Division 9, Section 73 of the Sydney Water Act, 1994.

**Reason:** To meet Sydney Waters requirements to adequately service the new subdivision with water, wastewater, and stormwater facilities.

### **B56. Endeavour Energy Certificate – Notification of Arrangement**

Before the issue of a Subdivision Certificate, the “Notification of Arrangement” Certificate must be submitted to Fairfield City Council.

**Reason:** To ensure the relevant utility and service providers have been consulted and that each new allotment is serviced and compliant.

### **B57. NBN Certification – Practical Completion**

Before the issue of the Subdivision Certificate, the “Certificate of Practical Completion” must be submitted to Fairfield City Council.

**Reason:** To ensure the relevant utility and service providers have been consulted and that each new allotment is serviced and compliant.

### **B58. Landscaping Along Roadway**

Landscaping is to be planted and maintained in accordance with the approved Landscape Plan, and in accordance with the specification outlined in Council's Tree Management Policy. This is to be completed to the satisfaction of Council before the release of the Subdivision Certificate. Please note, this condition does not refer to Bonnyrigg Square or any other landscaping required under the Voluntary Planning Agreement.

**Reason:** Compliance with Council’s latest Tree Management Policy.

### **B59. Demolition of Structures**

Before the issue of the Subdivision Certificate, all structures within Stage 1 shall be demolished and cleared. The demolition of any dwellings and infrastructure is subject to a separate application.

**Reason:** To ensure all proposed vacant lot subdivisions are cleared of any structures.

## **STAGE 2**

**Stage 2 consist of the following works:**

- **Torrens title Subdivision to create:**
  - **Vacant super lot 1203 for future residential development.**
  - **Residue Lot 1206 (For Stage 3)**
  - **Open Space Lot 1204 (Village Green)**
  - **Dedication of land to Tarlington Reserve.**
- **Construction Road & Drainage:**
  - **Part of Road No. 1 (Continuation from Stage 1)**
  - **Road No. 2 (around the Village Green)**
- **Construction and Embellishment of:**
  - **Village Green**
  - **Part of Tarlington Reserve**

### **BEFORE THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE**

#### **B60. Construction Traffic Management Plan**

A Subdivision Works Certificate shall be issued for Stage 2, 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.

Reason: To minimise the impacts of construction activities on the surrounding environment

### **BEFORE SUBDIVISION WORK COMMENCES**

#### **B61. Issue of Subdivision Works Certificate (Engineering Approval)**

Before the commencement of any works on site a Subdivision Works Certificate (Engineering Construction Certificate) must be issued by Fairfield City Council or an Accredited Certifier.

All Subdivision Works Certificates require Civil Engineering Plans prepared by a suitably qualified person and include design details for each component of works relating to the staged subdivision.

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 with inspections being carried

out in accordance with Council's Specification for Roadwork and Drainage associated with Subdivision or other Development. (EP&A Act, Section 81(2)(b)).

Application for a Subdivision Work Certificate is made via the NSW DPIE Planning Portal.

**Reason:** Statutory Requirement.

### **B62. Erosion and Sediment Control**

A Subdivision Works Certificate shall be issued, the proposed Erosion and Sediment Control in accordance with Council's policy for Urban Erosion and Sediment Control shall be submitted and approved by Fairfield City Council.

**Reason:** to protect the local creek and river systems from erosion and sediment.

### **B63. Footpath & Cycleway Paving**

A Subdivision Works Certificate shall be issued, the design of the construction of Council's standard concrete footpath paving by the developer as per the approved Civil Engineering drawings shall be submitted for approval. 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.

**Reason:** To ensure satisfactory pedestrian access along new roads.

### **B64. Open Space – Village Green**

The design of Village Green shall be consistent with the Voluntary Planning Agreement. The design and construction of the open space lots shall be designed in accordance with the approved Landscape Plan and Council's specifications.

**Reason:** To ensure compliance with the Voluntary Planning Agreement.

### **B65. Construction of Roadway – Road No. 2 and Road No. 1 (unless Road No. 1 is constructed in its entirety)**

A Subdivision Works Certificate shall be issued, the design of the construction of a full width road and drainage within the Approved Civil Engineering Drawings adjacent to the approved allotments in accordance with Councils Roadworks and Drainage Specifications shall be submitted for approval to Fairfield City Council.

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

**Reason:** To ensure all new roads proposed is constructed in accordance to Councils Roadworks and Drainage Specifications.

### **B66. Gross Pollutant Traps & Associated Stormwater Works**

A Subdivision Works Certificate shall be issued, the design of a Gross Pollutant Trap and associated stormwater work, as per the approved concept engineering plans shall be submitted

to Fairfield City Council for approval. The design and construction shall be in accordance with Councils Roadworks and Drainage Specifications.

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

**Reason:** To ensure the design and construction is in accordance to Councils Roadworks and Drainage Specifications and Councils Stormwater Management Policy.

### **B67. 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. Before the issue of the Subdivision Certificate, the dilapidation survey shall be repeated, and any deterioration made good or paid for by the applicant.

**Reason:** To record the condition of public infrastructure prior to any truck movements and protect public infrastructure.

### **B68. Tree Protection as per Arborist Report**

Before the commencement of any works on site for Stage 2, the trees identified for protection on Project Number 110808-01, prepared by J Wyndham Prince, Revision B and referenced in report No. E938, dated 17/10/2022, prepared by Creative Planning shall be protected prior to and during the demolition/construction process in accordance with the documents referenced above to ensure the protection of the tree(s) to be retained on the site.

**Reason:** To ensure adequate protection of existing trees.

## **DURING SUBDIVISION WORK**

### **B69. Notifying Council of Commencement of Works**

It is a requirement of the Environmental Planning and Assessment Act that you notify Fairfield City Council at least two (2) days prior to the intention to commence work on site. (EP&A Act, Section 6.6).

**Reason:** To notify Council the commencement of approved works

### **B70. 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.

**Reason:** (Prescribed condition EP&A Regulation, clauses 98A (2) and (3)).

### B71. Tree Protection

During subdivision works, the applicant must maintain all required tree protection measures in good condition in accordance with:

- d) the construction site management plan required under this consent,
- e) the relevant requirements of AS 4970-2009 Protection of trees on development sites
- f) any arborist's report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

**Reason:** To protect trees during construction.

### B72. 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.

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.

**Reason:** To protect the amenity of the surrounding area.

### B73. Responsibility of Changes to Public Infrastructure

While subdivision work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

**Reason:** To protect public infrastructure and services assets.



### B74. Cut and Fill

During work on site, 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.

**Reason:** To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

### B75. Soil Compaction Testing for any Land Filling

Soil Compaction Testing is required for any land filling operations carried out during construction. The frequency and standards of testing shall be in accordance with the following:

- Testing to establish the field dry density every 300 mm rise in vertical height.
- The minimum compaction requirement is 95% standard compaction.
- Test sites shall be located randomly across the fill site with 1 test per 500 m<sup>2</sup> (minimum 1 test per 300 mm layer).

A Compaction Report prepared by a suitably qualified Geotechnical Engineer shall be submitted before the issue of the Subdivision Certificate.

**Reason:** To ensure any lot filling is placed and compacted to reduce future settlement and damage to future structures.

### B76. Deliveries and Onsite Manoeuvring

Vehicles servicing the site shall comply with the following requirements:

- f) All vehicular entries and exits shall be made in a forward direction.
- g) All vehicles awaiting loading, unloading, or servicing shall be parked on site and not on adjacent or nearby public roads.
- h) No articulated / heavy rigid vehicles shall be used for the servicing or operations of this development.
- i) All deliveries to the premises shall be made to the rear service lane/loading bay/s provided.
- j) All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.

**Reason:** To ensure the amenity of surrounding properties and ensure safe loading and unloading practices.

### B77. Chain of Custody Documentation

'Chain of Custody' documentation shall be kept for the transport of the validated fill material from the source site at authorised location, to the subject premises. A record of 'Chain of Custody' shall be submitted to Council within 7 days of the fill material being moved to or from the subject site.

**Reason:** To ensure that imported / removed fill is of an acceptable standard.

### B78. 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.

**Reason:** To ensure compliance with Council Vehicular Crossing Policy.

### B79. 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 Certifier. A separate Development Application shall be lodged with Council for any proposed retaining wall not defined as exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Reason:** To ensure work is undertaken lawfully.

### B80. Duty to Report Contamination

If the Duty to Report contamination to the NSW Environment Protection Authority under Section 60 of the *Contaminated Land Management Act 1997* is triggered, Council must be notified within Fourteen (14) days of the notification to the NSW Environment Protection Authority.

**Reason:** To ensure compliance with Section 60 of the *Contaminated Land Management Act 1997*.

## SUBDIVISION CERTIFICATE APPLICATION

### B81. Subdivision Certificate Application

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

All documents & certificates relating to Stage 2 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.

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).

**Reason:** Application Process of the Subdivision Certificate.

### **B82. Subdivision Certificate Application Fee**

The submission of a 'Subdivision Certificate Application' as required by Condition No. B90 of this consent 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. Council will review the value of this fee 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 \$525.00.

**Reason:** Council's Annual Schedule of Fees and Charges.

### **B83. 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. Council will review the value of this fee 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 \$106.05.

**Reason:** Council's Annual Schedule of Fees and Charges.

### **B84. Maintenance Bond**

Prior to the issue of the Subdivision Certificate, a maintenance bond covering all works constructed in association with the subdivision shall be submitted to Council.

The maintenance bond is to be paid in cash or a bank guarantee. Council will determine the value of the maintenance bond 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.

Council will generally hold the maintenance bond 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.

**Reason:** To allow the future assessment of the performance all new infrastructure and assets have been completed to Councils satisfaction.

### B85. Landscaping Bond

The submission to Council of a bond as determined by Council ensuring the provision of effective landscaping and maintenance thereof, in accordance with this development consent. The bond is to be paid in cash or bank guarantee. The bond shall be paid prior to release of the final plan of subdivision.

The bond will 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 or until the growing season thereafter. The bond will be released subject to satisfactory establishment and maintenance of the landscape area.

Should the applicant dispose of the property within the twelve (12) months period, it shall be his/her responsibility to include in the contract of sale a condition granting him/her access to the property to maintain the landscaping or alternatively to make suitable arrangements with the purchaser to take over the responsibility for the bond for the maintenance of the landscaping.

**Reason:** To ensure the approved landscaping works have been completed and maintained for all new subdivisions.

### B86. Concrete Path Paving Bond

The submission to Council of a bond covering the construction of concrete path paving in accordance with the approved engineering plans. The path paving bond is to consist of a Deed of Agreement (a blank copy of which is available from Council's Administration Centre, Avoca Road, Wakeley), a plan detailing the extent of path paving works covered by the bond and a cash deposit or bank guarantee. The value of the concrete path paving 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.

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.

**Reason:** To allow the future assessment of the performance all new infrastructure and assets have been completed to Council's satisfaction.

### B87. Linen Plans & Administration Sheet Documents

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

- a) Land & Property Information's 'Plan Form 6' and 'Plan Form 6A' (where applicable). (Torrens Title)
- b) Torrens Subdivision Plan (Linen)

If it is proposed to create easements, rights of way, restrictions or covenants, an 88B Instrument shall be provided. It shall include a 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.

**Reason:** For the issue of the Subdivision Certificate.

### **B88. Registered Surveyor Certification**

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.

**Reason:** To confirm that all services are contained wholly within their respective allotments and to protect the State's survey infrastructure.

### **B89. Easement for all Services**

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

**Reason:** To ensure all encroaching services can be accessed and maintained by the benefitted Lot.

### **B90. Restriction on Use – Fencing along Public Reserve**

A Restriction on Use shall be created over Lot 1204 & 1205 in the following terms:

“No fencing shall be erected along common boundary with the Public Reserve “

**Reason:** To ensure Public Reserve is protected and maintained.

### **B91. Dedication of Road**

The dedication of the public as road on the final plan of subdivision at no cost to Council of Road No. 1 and Road No. 2.

**Reason:** To ensure road is to be dedicated.

### **B92. Dedication of Splay Corners**

The dedication of the public as road on the final plan of subdivision at no cost to Council, of a 3m x 3m splay on the corners of Proposed Road No. 1 and Proposed Road No. 2.

**Reason:** To ensure road is to be dedicated.

### B93. Compliance with Stage 2 of the Subdivision Works Certificate

Before the issue of a Subdivision Certificate, all construction works approved for the Road and Drainage systems of the development consent must comply with the terms of the consent the plans, specifications and any other approved documents relevant to the approved Subdivision Work Certificate.

**Reason:** To ensure road and drainage works are completed.

### B94. Works-as-executed Plans and any other Documentary Evidence

Before the issue of the Subdivision Certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- a) The removal of the Road 1 temporary turning head, constructed as part of the Stage 1 works and the continuation of Road 1 to the Stage 3 boundary.
- b) Associated Stormwater works including the Gross Pollutant Trap (GPT).

The works-as-executed dimensions and levels are to be completed on the stamped plans of the engineering construction certificate issued by Council or by an Accredited Certifier. All dimensions and levels are to be provided in blue or red text. Council will not accept "work as executed" plans with coloured highlighter markings on the plans.

**Reason:** To confirm the location and levels of works once constructed.

### B95. Redundant Vehicular Layback

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

**Reason:** To reduce the number of vehicular access points per lot.

### B96. Repair of Infrastructure

Before the issue of a Subdivision Certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

**Note:** If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

**Reason:** To ensure any damage to public infrastructure is rectified

### B97. Completion of Landscape and Tree Works

Before the issue of a Subdivision Certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with *AS 4373-2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent. Please note, this condition

does not relate to the landscaping required for the Village Green or any other landscaping required under the Voluntary Planning Agreement.

**Reason:** To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).

### **B98. Completion of Public Utility Services**

Before the issue of the Subdivision Certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the Subdivision Certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

**Reason:** To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

### **B99. Sydney Water Compliance Certificate – Section 73**

Before the issue of a Subdivision Certificate, a "Section 73 Compliance Certificate" under the Sydney Water Act, 1994 must be obtained and submitted to Council. For land subdivisions, the Certificate must refer specifically to the subdivision and this development consent. (Issued under Division 9, Section 73 of the Sydney Water Act, 1994.

**Reason:** To meet Sydney Waters requirements to adequately service the new subdivision with water, wastewater, and stormwater facilities.

### **B100. Endeavour Energy Certificate – Notification of Arrangement**

Before the issue of a Subdivision Certificate, the "Notification of Arrangement" Certificate must be submitted to Fairfield City Council.

**Reason:** To ensure the relevant utility and service providers have been consulted and that each new allotment is serviced and compliant.

### **B101. NBN Certification – Practical Completion**

Before the issue of the Subdivision Certificate, the "Certificate of Practical Completion" must be submitted to Fairfield City Council.

**Reason:** To ensure the relevant utility and service providers have been consulted and that each new allotment is serviced and compliant.

### **B102. Landscaping Along Roadway**

Landscaping is to be planted and maintained in accordance with the approved Landscape Plan, and in accordance with the specification outlined in Council's Tree Management Policy. This is to be completed to the satisfaction of Council before the release of the Subdivision Certificate. Please note, this condition does not relate to the landscaping required for the Village Green or any other landscaping required under the Voluntary Planning Agreement.

**Reason:** Compliance with Council's latest Tree Management Policy.

### **B103. Demolition of Structures**

Before the issue of the Subdivision Certificate, all structures within Stage 2 shall be demolished and cleared. The demolition of any dwellings and infrastructure is subject to a separate application.

**Reason:** To ensure all proposed vacant lot subdivisions are cleared of any structures.

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## **STAGE 3**

**Stage 3 consist of the following works:**

- **Torrens title Subdivision to create:**
  - **Vacant Super Lot 1301 (future residential development)**
  - **Vacant Super Lot 1302 (future residential development)**
- **Construction Road & Drainage:**
  - **Completion of Road No. 1 (Continuation from Stage 2)**

### **BEFORE THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE**

#### **B104. Construction Traffic Management Plan**

A Subdivision Works Certificate shall be issued for Stage 3, 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.

Reason: To minimise the impacts of construction activities on the surrounding environment

### **BEFORE SUBDIVISION WORK COMMENCES**

#### **B105. Issue of Subdivision Works Certificate (Engineering Approval)**

Before the commencement of any works on site a Subdivision Works Certificate (Engineering Construction Certificate) must be issued by Fairfield City Council or an Accredited Certifier.

All Subdivision Works Certificates require Civil Engineering Plans prepared by a suitably qualified person and include design details for each component of works relating to the staged subdivision.

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 with inspections being carried out in accordance with Council's Specification for Roadwork and Drainage associated with Subdivision or other Development. (EP&A Act, Section 81(2)(b)).

Application for a Subdivision Work Certificate is made via the NSW DPIE Planning Portal.

**Reason:** Statutory Requirement.

### **B106. Erosion and Sediment Control**

A Subdivision Works Certificate shall be issued, the proposed Erosion and Sediment Control in accordance with Council's policy for Urban Erosion and Sediment Control shall be submitted and approved by Fairfield City Council.

**Reason:** to protect the local creek and river systems from erosion and sediment.

### **B107. Footpath & Cycleway Paving**

A Subdivision Works Certificate shall be issued, the design of the construction of Council's standard concrete footpath paving by the developer as per the approved Civil Engineering drawings shall be submitted for approval. 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.

**Reason:** To ensure satisfactory pedestrian access along new roads.

### **B108. Construction of Roadway – Road No. 1 (unless Road No. 1 is constructed in its entirety)**

A Subdivision Works Certificate shall be issued, the design of the construction of a full width road and drainage within the Approved Civil Engineering Drawings adjacent to the approved allotments in accordance with Councils Roadworks and Drainage Specifications shall be submitted for approval to Fairfield City Council.

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

**Reason:** To ensure all new roads proposed is constructed in accordance to Councils Roadworks and Drainage Specifications.

### **B109. 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. Before the issue of the Subdivision Certificate, the dilapidation survey shall be repeated, and any deterioration made good or paid for by the applicant.

**Reason:** To record the condition of public infrastructure prior to any truck movements and protect public infrastructure.

### **B110. Tree Protection as per Arborist Report**

Before the commencement of any works on site for Stage 3, the trees identified for protection on Project Number 110808-01, prepared by J Wyndham Prince, Revision B and referenced in report No. E938, dated 17/10/2022, prepared by Creative Planning shall be protected prior to and during the demolition/construction process in accordance with the documents referenced above to ensure the protection of the tree(s) to be retained on the site.

**Reason:** To ensure adequate protection of existing trees.

## **DURING SUBDIVISION WORK**

### **B111. Notifying Council of Commencement of Works**

It is a requirement of the Environmental Planning and Assessment Act that you notify Fairfield City Council at least two (2) days prior to the intention to commence work on site. (EP&A Act, Section 6.6).

**Reason:** To notify Council the commencement of approved works

### **B112. 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:

- g) showing the name, address and telephone number of the principal certifier for the work, and
- h) 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
- i) 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.

**Reason:** (Prescribed condition EP&A Regulation, clauses 98A (2) and (3)).

### **B113. Tree Protection**

During subdivision works, the applicant must maintain all required tree protection measures in good condition in accordance with:

- g) the construction site management plan required under this consent,
- h) the relevant requirements of AS 4970-2009 Protection of trees on development sites
- i) any arborist's report approved under this consent.

This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

**Reason:** To protect trees during construction.

### **B114. 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.

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.

**Reason:** To protect the amenity of the surrounding area.

### B115. Responsibility of Changes to Public Infrastructure

While subdivision work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

**Reason:** To protect public infrastructure and services assets.

### B116. Cut and Fill

During work on site, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- e) 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.
- f) 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.

**Reason:** To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

### B117. Soil Compaction Testing for any Land Filling

Soil Compaction Testing is required for any land filling operations carried out during construction. The frequency and standards of testing shall be in accordance with the following:

- Testing to establish the field dry density every 300 mm rise in vertical height.
- The minimum compaction requirement is 95% standard compaction.
- Test sites shall be located randomly across the fill site with 1 test per 500 m<sup>2</sup> (minimum 1 test per 300 mm layer).

A Compaction Report prepared by a suitably qualified Geotechnical Engineer shall be submitted before the issue of the Subdivision Certificate.

**Reason:** To ensure any lot filling is placed and compacted to reduce future settlement and damage to future structures.

### B118. Deliveries and Onsite Manoeuvring

Vehicles servicing the site shall comply with the following requirements:

- k) All vehicular entries and exits shall be made in a forward direction.
- l) All vehicles awaiting loading, unloading, or servicing shall be parked on site and not on adjacent or nearby public roads.
- m) No articulated / heavy rigid vehicles shall be used for the servicing or operations of this development.
- n) All deliveries to the premises shall be made to the rear service lane/loading bay/s provided.
- o) All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.

**Reason:** To ensure the amenity of surrounding properties and ensure safe loading and unloading practices.

### B119. Chain of Custody Documentation

'Chain of Custody' documentation shall be kept for the transport of the validated fill material from the source site at authorised location, to the subject premises. A record of 'Chain of Custody' shall be submitted to Council within 7 days of the fill material being moved to or from the subject site.

**Reason:** To ensure that imported / removed fill is of an acceptable standard.

### B120. 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.

**Reason:** To ensure compliance with Council Vehicular Crossing Policy.

### B121. 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 Certifier. A separate Development Application shall be lodged with Council for any proposed retaining wall not defined as exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Reason:** To ensure work is undertaken lawfully.

### B122. Duty to Report Contamination

If the Duty to Report contamination to the NSW Environment Protection Authority under Section 60 of the *Contaminated Land Management Act 1997* is triggered, Council must be notified within Fourteen (14) days of the notification to the NSW Environment Protection Authority.

**Reason:** To ensure compliance with Section 60 of the *Contaminated Land Management Act 1997*.

## SUBDIVISION CERTIFICATE APPLICATION

### B123. Subdivision Certificate Application

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

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.

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).

**Reason:** Application Process of the Subdivision Certificate.

### B124. Subdivision Certificate Application Fee

The submission of a 'Subdivision Certificate Application' as detailed on as required by Condition No. B137 of this consent 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. Council will review the value of this fee 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 \$525.00.

**Reason:** Council's Annual Schedule of Fees and Charges.

### B125. 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. Council will review the value of this fee 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 \$106.50.

**Reason:** Council's Annual Schedule of Fees and Charges.

### B126. Maintenance Bond

Prior to the issue of the Subdivision Certificate, a maintenance bond covering all works constructed in association with the subdivision shall be submitted to Council.

The maintenance bond is to be paid in cash or a bank guarantee. Council will determine the value of the maintenance bond 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.

Council will generally hold the maintenance bond 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.

**Reason:** To allow the future assessment of the performance all new infrastructure and assets have been completed to Councils satisfaction.

### B127. Landscaping Bond

The submission to Council of a bond as determined by Council ensuring the provision of effective landscaping and maintenance thereof, in accordance with this development consent. The bond is to be paid in cash or bank guarantee. The bond shall be paid prior to release of the final plan of subdivision.

The bond will 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 or until the growing season thereafter. The bond will be released subject to satisfactory establishment and maintenance of the landscape area.

Should the applicant dispose of the property within the twelve (12) months period, it shall be his/her responsibility to include in the contract of sale a condition granting him/her access to the property to maintain the landscaping or alternatively to make suitable arrangements with the purchaser to take over the responsibility for the bond for the maintenance of the landscaping.

**Reason:** To ensure the approved landscaping works have been completed and maintained for all new subdivisions.

### B128. Concrete Path Paving Bond

The submission to Council of a bond covering the construction of concrete path paving in accordance with the approved engineering plans. The path paving bond is to consist of a Deed of Agreement (a blank copy of which is available from Council's Administration Centre, Avoca Road, Wakeley), a plan detailing the extent of path paving works covered by the bond and a cash deposit or bank guarantee. The value of the concrete path paving 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.

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.

**Reason:** To allow the future assessment of the performance all new infrastructure and assets have been completed to Council's satisfaction.

### **B129. Linen Plans & Administration Sheet Documents**

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

- a) Land & Property Information's 'Plan Form 6' and 'Plan Form 6A' (where applicable). (Torrens Title)
- b) Torrens Subdivision Plan (Linen)

If it is proposed to create easements, rights of way, restrictions or covenants, an 88B Instrument shall be provided. It shall include a 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.

**Reason:** For the issue of the Subdivision Certificate.

### **B130. Registered Surveyor Certification**

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.

**Reason:** To confirm that all services are contained wholly within their respective allotments and to protect the State's survey infrastructure.

### **B131. Easement for all Services**

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

**Reason:** To ensure all encroaching services can be accessed and maintained by the benefitted Lot.



### B132. Dedication of Road

The dedication to the public as road on the final plan of subdivision at no cost to Council of Road No. 1 and Road No. 2.

**Reason:** To ensure road is to be dedicated.

### B133. Dedication of Splay Corners

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 corners of the following:

- Proposed Road No. 1 and Proposed Road No. 2
- Proposed Road No.1 and Tarlington Parade

**Reason:** To ensure road is to be dedicated.

### B134. Compliance with Stage 3 of the Subdivision Works Certificate

Before the issue of a Subdivision Certificate, all construction works approved for the Road and Drainage systems of the development consent must comply with the terms of the consent the plans, specifications and any other approved documents relevant to the approved Subdivision Work Certificate.

**Reason:** To ensure roads and drainage works are completed.

### B135. Completion of Open Space & Landscaping Works.

Before the issue of a Subdivision Certificate, the following items must be satisfactorily completed:

- a) Street trees and landscaping associated within Stage 3 Works.

Please note, this condition does not relate to the landscaping required under the Voluntary Planning Agreement.

### B136. Works-as-executed Plans and any other Documentary Evidence

Before the issue of the Subdivision Certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- a) Construction and dedication of the remainder of Road 1, from the Stage 2 termination point to its intersection with Tarlington Parade.

The works-as-executed dimensions and levels are to be completed on the stamped plans of the engineering construction certificate issued by Council or by an Accredited Certifier. All dimensions and levels are to be provided in blue or red text. Council will not accept "work as executed" plans with coloured highlighter markings on the plans.

**Reason:** To confirm the location and levels of works once constructed.

### B137. Redundant Vehicular Layback

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

**Reason:** To reduce the number of vehicular access points per lot.

### B138. Repair of Infrastructure

Before the issue of a Subdivision Certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

**Note:** If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

**Reason:** To ensure any damage to public infrastructure is rectified

### B139. Completion of Landscape and Tree Works

Before the issue of a Subdivision Certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with *AS 4373-2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent. Please note, this condition does not relate to the landscaping required under the Voluntary Planning Agreement.

**Reason:** To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).

### B140. Completion of Public Utility Services

Before the issue of the Subdivision Certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the Subdivision Certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

**Reason:** To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

### B141. Sydney Water Compliance Certificate – Section 73

Before the issue of a Subdivision Certificate, a “Section 73 Compliance Certificate” under the Sydney Water Act, 1994 must be obtained and submitted to Council. For land subdivisions, the Certificate must refer specifically to the subdivision and this development consent. (Issued under Division 9, Section 73 of the Sydney Water Act, 1994.

**Reason:** To meet Sydney Waters requirements to adequately service the new subdivision with water, wastewater, and stormwater facilities.

### **B142. Endeavour Energy Certificate – Notification of Arrangement**

Before the issue of a Subdivision Certificate, the "Notification of Arrangement" Certificate must be submitted to Fairfield City Council.

**Reason:** To ensure the relevant utility and service providers have been consulted and that each new allotment is serviced and compliant.

### **B143. NBN Certification – Practical Completion**

Before the issue of the Subdivision Certificate, the "Certificate of Practical Completion" must be submitted to Fairfield City Council.

**Reason:** To ensure the relevant utility and service providers have been consulted and that each new allotment is serviced and compliant.

### **B144. Road Reserve Clearance Certificate**

Before the issue of the relevant 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.

**Reason:** To ensure any damage to public infrastructure is rectified.

### **B145. Landscaping Along Roadway**

Landscaping is to be planted and maintained in accordance with the approved Landscape Plan, and in accordance with the specification outlined in Council's Tree Management Policy. This is to be completed to the satisfaction of Council before the release of the Subdivision Certificate. Please note, this condition does not relate to the landscaping required under the Voluntary Planning Agreement.

**Reason:** Compliance with Council's latest Tree Management Policy.

### **B146. Demolition of Structures**

Before the issue of the Subdivision Certificate, all structures within Stage 3 shall be demolished and cleared. The demolition of any dwellings and infrastructure is subject to a separate application.

**Reason:** To ensure all proposed vacant lot subdivisions are cleared of any structures.