



NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application number	893.10/2013 PAN-385821
Land & Environment Court (LEC) Appeal No.:	10634 of 2014
Decision Date:	16 October 2015
	893.4/2013 approved 18 June, 2018.
	893.6/2013 approved 13 November, 2019.
	893.7/2013 approved 23 June, 2020.
	893.8/2013 approved 19 January, 2021.
	893.9/2013 approved 12 May, 2021
Applicant	CSR Building Products Ltd 39 Delhi Rd Level 6, North Ryde NSW 2113
Description of development	Development Application 893.1/2013 for the subdivision of land at Nos 327-335 Burley Road, Horsley Park in three stages to create a total of 14 lots (one of which includes a conservation area) for employment purposes, new public roads and associated drainage.
Property	Lot 2, DP 1228114, Lot 205, DP 1265921 No. 327 Burley Road Horsley Park
Determination	Approved
Consent Authority	Fairfield City Council
Determination Date	11 January 2024

Under section 4.56 of the EP&A Act, notice is given that the above application to modify 893.10/2013 has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

Reasons for approval

The proposed development aligns with Fairfield's Local Environmental Plan 2013 and Development Control Plan 2013, meeting all the necessary requirements and regulations. It demonstrates adherence to the designated planning framework set forth by the local authorities. Additionally, the proposed development has been carefully evaluated to ensure that it does not pose any detrimental social or environmental consequences. Overall, the development proposal is deemed to be in the public's best interest, considering its compliance and lack of negative impacts.


ANTONIO INZITARI

CO-ORDINATOR ENGINEERING ASSESSMENT

Mr Richard Tong – Subdivision Engineer
for further information, please contact Mr Richard Tong on 9725 0310.

Modification Summary

Terms and Reasons for Conditions

Under section 118(3)(a) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

The subject section 4.56 Modification Application has been approved. Accordingly, Development Consent No. 893.10/2013 has been amended as shown in **red** or ~~crossed-out~~, as follows:

1. Compliance with Plans and Conditions

The development shall take place in accordance with the approved development plans, except as modified by any conditions of this consent, as prepared by and listed below:

Brown Consulting, Project Number X13044:

Drawing ~~Table~~ Title	Drawing Number	Revision/Issue	Sheet No.	Date
Proposed Subdivision Over Lot 1 in D.P. 106143 Being Property At 327-335 Burley Road, Horsley Park – Overall Site Landscape Plan	X13044.P_ST0-L	2	1 of 1	18/12/2014
Project Number X13044.001:				
Interim Access Concept Plan	SK10	00	-	UNDATED

Calibre Group, Project Number X13044:

Drawing ~~Table~~ Title	Drawing Number	Revision/Issue	Sheet No.	Date
Section 96 Master Plan	X13044.P-SEC 96_1	5	1 of 4	13/06/2018
Section 96 Stage 1 Subdivision Plan	X13044.P-SEC 96_2	5	2 of 4	13/06/2018
Section 96 Stage 3 Subdivision Plan	X13044.P-SEC 96_4	5	4 of 4	13/06/2018
Proposed Subdivision of Lot 103 in D.P. 1214912	X13044.P_ST-2A	12	1 of 3	19/09/2019
Proposed Subdivision of Residue Lot 203 in Previous Application and Lot 2 in D.P. 1228114	X13044.P_ST-2B	12	2 of 3	19/09/2019
Proposed Subdivision of Residue Lot 205 in Previous Application	X13044.P_ST-2C	12	3 of 3	19/09/2019
Project Number 15-00111.12				
Bulk Earthworks & Sediment & Erosion Control Plan	201	2	4 of 14	20/12/2017
Site Section A & B	202	2	5 of 14	20/12/2017
Site Section C & D	203	2	6 of 14	20/12/2017
Site Section E	204	2	7 of 14	20/12/2017
Site Section F	205	2	8 of 14	20/12/2017
Site Section G	206	2	9 of 14	20/12/2017

Drawing ~~Table~~ Title	Drawing Number	Revision/Issue	Sheet No.	Date
Retaining Wall Plan & Proposed New Kerb Return Alignment	901	2	10 of 14	20/12/2017
Retaining Wall 1 Longitudinal Sections - 01 of 02	902	2	11 of 14	20/12/2017
Retaining Wall 1, Longitudinal Sections - 02 of 02	903	2	12 of 14	20/12/2017
Retaining Wall 2 Longitudinal Sections	904	2	13 of 14	20/12/2017
Retaining Wall 2 & 3 Longitudinal Section	905	2	14 of 14	20/12/2017
CSR HORSLEY PARK – STAGE 2A, 2B, & 2C SUBDIVISION DESIGN				
Project Number 15-001115-13				
Drawing List	000	5	-	28/09/2020
General Arrangement Plan	001	5	-	28/09/2020
General Notes and Legend	002	5	-	28/09/2020
Soil & Water Management Plan	101	5	-	28/09/2020
Site Regrading Plan	201	5	-	28/09/2020
Site Regrading Sections Sheet 01 of 05	202	5	-	28/09/2020
Site Regrading Sections Sheet 02 of 05	203	5	-	28/09/2020
Site Regrading Sections Sheet 03 of 05	204	5	-	28/09/2020
Site Regrading Sections Sheet 04 of 05	205	5	-	28/09/2020
Site Regrading Sections Sheet 05 of 05	206	5	-	28/09/2020
Engineering Plan	301	5	-	28/09/2020
Road No. 1 Longitudinal Sections Sheet 01 of 02	401	5	-	28/09/2020
Road No. 1 Longitudinal Sections & Typical Cross Sections Sheet 02 of 02	402	5	-	28/09/2020

2. Reports Certification

Prior to the issue of any subdivision certificate, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Fairfield City Council, stating that all works, methods, procedures, control measures and recommendations approved by Council in the following reports have been completed as appropriate to each stage of development:

- a. Statement of Environmental Effects, prepared by Brown Consulting Pty Ltd, dated 19 December 2013.
- b. Flora and Fauna Assessment, prepared by Travers Bushfire and Ecology, File no.: A13140TSS, dated 10 March 2014.
- c. Acoustic Report prepared by TTM Consulting Pty Ltd, reference no.: 14SYA0026 R0_2, dated 21 August 2014 and supplementary Acoustic report prepared by TTM Consulting Pty Ltd, reference no.: 14SYA0026 R03_2, dated 13 February 2015.
- d. Environmental Site Assessment – Phase 2 Detailed Site Contamination Assessment Report prepared by DLA Environmental Services Pty Ltd, reference no.: DLH1121_H0068 dated September 2013.

- e. Remediation Action Plan – prepared by DLA Environmental Services Pty Ltd, reference no.: DLH1121_H00280, dated 1 December 2014.
- f. Vegetation Management Plan – prepared by Stuart Noble Associates Pty Ltd, dated 15 June 2015, Issue A.
- g. Visual Impact Assessment – prepared by Group GSA Pty Ltd, Revision D, dated 6 March 2015.
- h. Stormwater Concept Plan, prepared by Brown Consulting Pty Ltd, Reference no.: X13044, Issue C dated June 2014.

Where any of the above documents conflict with another condition of this consent, that other condition shall prevail to the extent of the inconsistency.

3. **General Plan Amendments and Construction Sequence**

The following conditions must be complied with in respect of the development:

- a. The plans shall be amended prior to the issue of a construction certificate to show the finished levels of proposed Lot 201 to be a maximum of RL86.5m AHD.

In the event that the levels must be amended, in the interim a 'Restriction on the Use of Land' shall be imposed requiring future pad level to be 86.5m AHD for proposed Lot 201.

- b. All plans shall be amended prior to the issue of a construction certificate to provide a minimum 10m (western section without retaining walls), 14m (western section where retaining walls are proposed) and 21m (eastern section with bund) wide landscape setback along the southern boundary which is to be maintained for the life of the consent. No buildings (other than the structural bund and retaining walls), roads or access ways (other than a path to provide for maintenance of the landscaped area which may be provided within the 3m area set aside adjacent to the southern property boundary and identified as a drainage swale) are to be constructed within the landscape setback shown in the plans referred to in this condition.
- c. In the 3m lower portion of the setback adjacent to the southern boundary the drainage swale shall be accommodated and existing trees shall be retained unless prior approval of Fairfield City Council has been obtained.
- d. The landscape plan shall be amended prior to the issue of a construction certificate to incorporate:
 - i. Dense tree planting at the toe of the retaining walls and bund along the southern boundary. This should be provided with a minimum 1m of soil depth.
 - ii. A planting density of 4 plants per square metre on the bund walls of which 1 plant shall be a small tree or shrub with a trunk at maturity that will not exceed 80mm in diameter.
 - iii. Shrubs that achieve a height of 4m shall be planted at the top of the bund at 2m spacing with a minimum soil depth of 1m provided. That planting shall be

supplemented with ground covers and smaller shrubs to achieve the objectives outline in condition 12.

- e. The retaining wall along the southern boundary is to have a maximum of 2 tiers, with the retaining structures at each tier to be a maximum of 1.5m high. The top of the retaining wall shall be setback a minimum of 10m from the southern boundary. The planter bed between the 2 tiers shall have a minimum width of 6m. The remaining 4m landscape setback shall be provided from the top of the retaining wall and landscaped with shade tolerant plant species.
 - a.
- f. The new bund, retaining wall and landscaping works along the southern boundary of proposed Lots 201 and 202 are to be constructed and planted during or prior to the early works program of Stage 1, subject to fulfilling any preconditions for the work to commence. These works shall be carried out without reducing the effective height of the existing bund and completed prior to the release of the Subdivision Certificate for Stage 1.
- g. The new bund shall be constructed and landscaped, with the existing bund to remain in situ behind the works until the new bund works are completed after which time the existing bund can be removed. Design details of the construction method shall be issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council prior to commencement of works on site.

Note: Further conditions are provided below that specify requirements for each stage of the development in addition to the above requirements.

4. Existing Earth Mound

Subject to condition 3(g), no part of the existing earth mound adjacent to the southern and eastern boundaries of the site shall be removed until the existing quarry ceases operation.

5. Dedication of Roadway

The Stage 1 portion of Road 1, from the northern boundary to the position adjacent to the proposed boundary of lots 302 and 303, is to be noted as temporary road, at no cost to Council. The remainder of the Stage 1 portion of Road 1 is to be dedicated as a public road on the Stage 1 subdivision plan at no cost to Council.

The Stage 2 portion of Road 1 is to be dedicated to the public as road on the plan of subdivision (Stage 2) at no cost to Council.

The Stage 3 portion of Road 1 is to be dedicated to the public as road on the plan of subdivision (Stage 3) at no cost to Council.

Subject to the final road layout arising from the Southern Link Road (see condition below), any temporary road portion of Road 1 which is required for direct access to lots within the subdivision is to be dedicated as a public road, and any portion not required as public road may be returned to the developer in accordance with the procedures in the Roads Act.

6. Final Road Layout

Prior to the issue of a Construction Certificate for Stage 3 the final Road No. 1 layout shall be determined in consultation with Fairfield City Council and the Roads and Maritime Service. In this regard a resolution must be sought for the proposed access options to Southern Link Road as noted in the RMS letter dated 29 January 2015 Reference No. SYD14/01289(A8390566).

Subject to the outcome of the final road layout new plans may need to be submitted to Council for approval, which may include the requirement of an internal link road within stage 3 ensuring the free flow of traffic, or a Cul-de-sac where Road No.1 may terminate to ensure vehicles may manoeuvre safely.

Where any constructed works become redundant due to the final road layout, or where any new works are required, the cost of removing the redundant works or constructing the new works will be at full cost to the developer.

7. Landscaping

Prior to the issue of a subdivision certificate, the landscaping must have been carried out in accordance with the approved landscape plans and all relevant landscape conditions specified under this consent including the following:

a) Establishment of Tree Protection Zones (TPZ)

Tree Protection Zones shall be established around all trees to be retained in the development lots (not in the E2 land) accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970- 2009).

- Tree Protection Zones shall be fenced with a 1.8 metre high chainmesh or weldmesh fence and secured to restrict access. The fence shall be established prior to any materials being brought onto the site and before the commencement of works. The area within the fence shall be mulched and maintained to a depth of 75mm. The soil within the TPZ shall be kept in a moist condition for the duration of the landscape construction works. Unless approved by the project arboriculturist there shall be no access within the TPZ.
- Signs identifying the Tree Protection Zone shall be erected every 50 metres along the protection fence indicating the existence of a TPZ. Signage must be clearly visible from within the development site.
- No excavation, construction activity, grade changes, storage of materials, stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones, unless approved by the project arborist or Fairfield City Council.
- Temporary access within the TPZ for pedestrian and machinery movements shall only be permitted with the approval of the project arborist or Fairfield City Council. Appropriate ground protection shall be installed under the supervision of the site arborist.
- All site personnel and contractors must be made aware of all tree protection requirements associated with these conditions of consent.
- The project arborist shall provide written certification of compliance with the above condition.

b) Engagement Level 5 Arboriculturist

b.

c. An Australian Qualification Framework (AQF) Level 5 Arboriculturist is to be retained as the Project Arborist to provide tree protection advice and management, and supervise works carried out within the Tree Protection Zones of the existing trees along the Southern boundary.

d.

Evidence of the engagement of the AQF5 arboriculturist as the project arborist is to be provided to Fairfield City Council Tree Management Officer within fourteen days of engagement.

c) Written Confirmation – Satisfactory Establishment of Landscaping

At the completion of the period of 2 years from the date of issue of Subdivision Certificate on the Stage 2A plan of subdivision, written confirmation from a registered landscape architect (senior) under the provisions of the Australian Institute of Landscape Architects of the satisfactory establishment, performance and maintenance of the landscape embankment and retaining system along the southern boundary shall be provided to Fairfield City Council.

Should the applicant dispose of the property within the 2 year 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.

d) Arboricultural Documentation and Compliance

The project arborist shall provide written certification that all tree protection measures and construction techniques relevant to this consent have been complied with. Documentation shall include:

- i. Initial tree assessment including species, height, spread, DBH, vigour and structural condition (including photos).
- ii. a record of the condition of trees to be retained prior to and throughout landscape embankment and retaining wall works
- iii. recommended actions to improve site conditions and rectification of non-compliance
- iv. recommendations for future works which may impact the trees

All compliance certification documents shall be kept on site by the Site Foreman.

e) Arboricultural Inspections

As a minimum the following intervals of site inspections must be made by the project arboriculturist:

Stage of arboricultural inspection	Compliance documentation including photos shall be included
Installation of tree protection fencing / devices	Compliance with tree protection measures
Ground preparation	Condition of any exposed roots, etc.
Construction of embankment and retaining walls	Works not within Structural Root Zones. Measures to avoid excessive impacts in Tree Protection Zone.
Installation of landscape	Condition of tree roots and soil

Prior to the issue of a Subdivision Certificate	Supervise the dismantling of tree protection measures
---	---

Additional site visits shall be made when required by the project arboriculturist for ongoing monitoring/supervisory work.

~~8. Conservation Lot Report~~

- ~~(a) The land identified as proposed Lot 306, in the approved Stage 3 subdivision plan prepared by Calibre Group, drawing no. X13044.P-SEC-96-4, Sheet 4 of 4, dated 13/06/2018 shall be initially consolidated with the residue lot in Stage 2A, 2B and 2C in accordance with the approved Sub-Stages 2A, 2B and 2C subdivision plans prepared by Calibre Group, Project No. X13044.P-ST-2A, 2B & 2C, Sheets 1, 2 and 3 of 3, Revision 12, dated 13 September 2019. The land identified as proposed Lot 306 shall be maintained in accordance with a Vegetation Management Plan to be submitted as per recommendations from the Flora and Fauna Assessment Report, prepared by Travers Bushfire and Ecology.~~
- ~~(b) Prior to the issue of a Construction Certificate, the following shall be submitted to Council's Natural Resources Unit:~~
- ~~i. The Flora and Fauna recommendations located Section 5.3 of the Flora and Fauna Assessment Report, prepared by Travers Bushfire and Ecology, File No.: A13140TSS, dated 10 March 2014, required the following for points 1 and 2;~~
 - ~~1. A referral to the Department of Environment is required due to the removal of CPW vegetation equivalent to 4.50ha~~
 - ~~2. A vegetation management plan is required for the retained conservation lot containing Cumberland Plain Woodland. This plan should also address the habitat enhancement for Cumberland Plain Land Snail such as weed removal, log placement from removed habitat areas and exotic snail management.~~
 - ~~ii. The vegetation management plan that is required in Point 2 of Section 5.3 of the Report is to include a full costing of the plan deliverables, with the costing to be also incorporated into the budget for the development. This plan is to be prepared by a suitably qualified ecological consultant. This plan is to be provided to Council's Natural Resources Unit.~~
- ~~(c) During Construction works, the following shall be adhered to;~~
- ~~i. The Flora and Fauna recommendations located Section 5.3 of the Flora and Fauna Assessment Report, prepared by Travers Bushfire and Ecology, File no.: A13140TSS, dated 10 March 2014, required the following for point 3 and 4;~~
 - ~~3. Any habitat removal of the constructed dams and surrounding wetland vegetation should be undertaken outside of the spring and early summer waterbird nesting period.~~
 - ~~4. Any removal of hollows should be under the supervision of a fauna ecologist so that residing fauna may be effectively recovered.~~
- ~~(d) The boundary of the environmental conservation area (proposed Lot 306 will be surveyed and fenced (minimum star picket and three strand wire) prior to any work commencing onsite to ensure the asset protection zone recommended in Section 5.2 and Figure 8 of~~

~~the Statement of Environmental Effects does not encroach on the conversation area. The fence is to be signposted at regular intervals highlighting the protected vegetation area.~~

- ~~(e) Prior to the issue of the of the relevant Stage subdivision certificate, written certification from a suitably qualified ecologist shall be submitted to the Principal Certifying Authority and Fairfield City Council, stating that within that Stage all relevant works, methods, procedures, control measures and recommendations in the Flora and Fauna Report, prepared by Travers Bushfire and Ecology, File no.: A13140TSS, dated 10 March 2014, Section 5.3 of the points 3 and 4, have been completed as appropriate.~~

~~9. Positive Covenant – Conservation Area~~

~~A Positive Covenant shall be created over the proposed lot 306 including the Conservation area containing Cumberland Plain Woodland. The Flora and Fauna recommendations located in Section 5.3 of the Flora and Fauna Assessment Report, prepared by Travers Bushfire and Ecology, File no.: A13140TSS, dated 10 March 2014, required a vegetation management plan to be prepared and implemented.~~

~~Positive Covenant Terms:~~

~~The proprietor of the burdened lot from time to time shall do all things necessary to maintain the Conservation allotment within the land so burdened in accordance with the Vegetation Management Plan (details to be confirmed subject to Condition 8 point 2 of this consent).~~

~~For the purposes of this covenant:~~

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

Stage One Subdivision

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a Construction Certificate for Stage 1 by a Certifying Authority. The Certifying Authority can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.

10. Outstanding Long Service Levy

Prior to the issue of a Construction Certificate for Stage 1, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifying Authority.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment.

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

11. Section 94A Contributions

Prior to the issue of any construction certificate, the Applicant must pay a levy of the percentage authorised by Fairfield City Council Indirect (Section 94A) Development Contributions Plan 2011, of the proposed cost of carrying out the development. The levy must be paid for the whole development prior to the issue of any construction certificate and a copy of the receipt for the payment to Fairfield City Council of the Levy must be submitted to the principal certifying authority prior to the issue of any construction certificate. The amount of the levy that is payable calculated as at the date of the grant of this development consent is \$172,000.

12. Landscape Plans by Landscape Architect

Prior to the issue of a Construction Certificate for Stage 1, a Stage 1 landscape plan prepared by a registered landscape architect (senior) registered with the Australian Institute of Landscape Architects and designed in accordance with Fairfield Council's Landscape Policy shall be submitted to the Certifying Authority.

Landscape plans shall be consistent the approved development plans (Condition 1), reports (Condition 2) and condition no. 7 unless varied by a condition of this consent and contain the following information:

- a. Existing trees (height and location);
- b. Trees to be removed;
- c. (deleted)
- d. Proposed planting (quantity, species, and expected mature height);
- e. Proposed earth mounding;
- f. Paths and paving (location and materials);
- g. The method of planting and the proposed maintenance program; and
- h. Details of lighting, fencing and paving, where relevant.
- i. Dense tree planting at the Toe of the bund/retaining walls with a minimum 1m soil depth, a planting density of 4 plants/sqm on the bund of which is to be a small tree/large shrub with a trunk that will not exceed 80mm diameter at maturity.

The landscaping in the landscape buffer zone shall be of a scale and density that will assist in screening and reducing the apparent scale of the anticipated development on the approved lots.

The landscaping is to be a combination of large and small trees and shrubs, complemented by the use of appropriate grasses and groundcovers and have regard to future maintenance regimes.

All future development within the approved subdivision development shall remain consistent with the landscape plan required by this condition.

NOTE: Landscaping shall be designed to complement and enhanced the development, and improve the visual amenity of the landscape setback between the site and adjacent properties.

13. Stormwater Design Certificate

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

- a. Satisfactory arrangements have been made for the disposal of stormwater;

- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
- c. The piped drainage system has been designed in accordance to Council's Stormwater Drainage Policy.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

- a. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.
- e.
- b. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

14. **Unexpected Finds Protocol**

Prior to the issue of a construction certificate, submit to Fairfield City Council an 'Unexpected Finds Protocol' including but not limited to the assessment/management of any contamination discovered during the course of works.

15. **Air Quality**

Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport.

16. **Construction Certificate Required (Engineering Approval)**

Prior to the commencement of the construction works which include the internal Road 1 Stage 1, the Access Road within the Burley Road reserve and associated drainage works, including, the bund and retaining wall along the southern boundary and all landscaping works and earthworks, a Construction Certificate (Engineering Approval) is required to be issued by an Accredited Certifier or by Fairfield City Council.

If Council is appointed as the certifier to issue the construction certificate, five copies of the Engineering Plans for the proposed works shall be submitted to the Principal Certifying Authority; the Construction Certificate plan checking fee shall be determined in accordance with Council's Schedule of Fees and Charges; the fee is to be paid prior to the issue of a Construction Certificate.

Enquiries regarding the issue of a Construction Certificate can be made to Council's Engineering Assessment Branch on 9725 0732.

17. Internal Road No. 1 Design

Internal Road No. 1 must be designed and constructed to the standard of an Industrial Road in accordance with Council's Specification.

18. Appointment of a Principal Certifying Authority

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

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

19. Administration Fee of the Lodgement of Certificates

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

20. Toilet Facility

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

CONDITIONS ADVISING OF FEES AND CHARGES APPLICABLE TO THE SUBDIVISION.

The following conditions have been imposed to provide for various facilities and services required to meet the demands arising from the proposed subdivision.

21. Engineering Works Plan Assessment Inspection Fee

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

22. Security for Public Works

Prior to final subdivision certificate for Stage 1 the applicant is to provide security, in the way of a bond or bank guarantee (at the applicant's choice), to be held by Council for the payment of the cost of remedying any defects in relation to the public works (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) constructed and dedicated to Council in Stage 1, that arise within 6 months of the completion of the work. If no defects arise within 6 months of the completion of the work, or any such defects (that arise within 6 months of the completion) are not notified by Council to the applicant within 7 months of the completion of the works, the applicant may obtain the release of the security from Council.

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.

23. Subdivision Certificate Release Fee

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

At the time of issuing this consent, the fee is **\$300**.

CONDITIONS RELATING TO WORKS ASSOCIATED WITH THE SUBDIVISION

The following conditions have been imposed to ensure that adequate and safe public access is available to the subdivision for both pedestrian and vehicular traffic and that the subdivision will not have detrimental effects on the environment.

24. Erosion and Sediment Control Plan

A detailed Erosion and Sediment Control plan prepared in accordance with Council's policy for Urban Erosion and Sediment Control shall be issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council. The control measures detailed in the approved plan shall be implemented prior to commencement of any works, including stripping or clearing, on site.

The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity

25. Notify Council of Intention to Commence Works

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

26. Site During Construction

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

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

A \$600 on the spot fine may be issued for non-compliance with this condition.
(Environmental Planning & Assessment Regulation 2000 Section 98A).

27. Maintenance of Construction Site

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

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

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

28. During Construction

During the construction period the applicant must ensure that:

- a) There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction;
- b) All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c) Any building or subdivision work is carried out between:
 - i. 7.00am and 6.00pm Monday to Friday or
 - ii. 8.00am to 1.00pm Saturday.
 - iii. No work shall be undertaken on Sunday or a public holiday.

29. Road and Drainage Construction Plans

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

30. Alignment of Roadway

The alignment of Road 1 Stage 1 and the Access Road within the Burley Road reserve, 20m wide and variable width to be in accordance with plans issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

31. Construction of Roadway

The construction of full width of Road 1 adjacent to the proposed allotments and the Access Road within the Burley Road reserve, in accordance with plans and specifications issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

32. Path Paving

Prior to the issue of the Subdivision Certificate, Council's shared concrete path paving shall be constructed by the developer at no cost to Council for the full road frontage of the subdivision development, for Road 1 Stage 1 and the Access Road within the Burley Road reserve, in accordance with the approved plans.

The area of the footway not paved shall be topsoiled and turfed.

33. Road Shoulder

The road shoulder and footpath formation shall be regraded, topsoiled and turfed for the full frontage of the subdivision along the Access Road within the Burley Road reserve. This regrading is to provide an easily maintained surface that will carry stormwater flows generated by the roadway and shall be in accordance with levels issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

34. Tree Preservation Order

No trees shall be pruned or removed without the prior written consent in the form of a Tree Preservation Order from Fairfield City Council.

35. Fill Material for Dam

Dam shall be filled with "clean" fill only.

36. Dewatering Dam

Dewatering of the dam shall be carried out to "Not" concentrate flow on adjoining properties or roadways.

37. Lot Filling

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

38. Validation of Fill

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

39. Fill Validation Report

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites, shall be submitted to Council for approval. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

40. Chain of Custody Documentation

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

41. Compaction Requirements

- a. Any filling carried out in accordance with this consent shall maintain a minimum requirement of 95% standard compaction.

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m² (min 1 test per 300mm layer) certified by a qualified geotechnical engineer.

- b. Filling operations shall be in accordance with Appendix B of AS 3798-996 "Guidelines on Earthworks for Commercial and Residential Developments" of which Level 1 Testing will be adopted for this development due to the quantity of fill. Level 1 Testing will require full time inspection and testing service by the Geotechnical Testing Authority of the site stripping, proof rolling, placement and compaction of the fill, with the location of tests being at the discretion of the Geotechnical Testing Authority.

The fill shall be compacted to a minimum density ratio of 95% standard compaction.

42. Unreasonable Noise and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

43. Adjustment to Public Utilities

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

44. Works as Executed Drawings

Following completion of the works the applicant shall provide a detailed "work as executed" drawing signed by a registered surveyor showing the finished surface levels of Road 1 Stage 1, Access Road within the Burley Road reserve, table drain, concrete pathways, inter-allotment and road drainage, southern boundary bund and retaining wall construction and any lot filling, carried out under this consent.

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

CONDITIONS RELATING TO THE PROVISION OF SERVICES TO THE SUBDIVISION

The following conditions have been imposed to ensure that the subdivision is provided with adequate services.

45. Inter-Allotment Drainage Construction

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

46. Easements for all Services

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

47. Registered Surveyor Certification

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

48. Sydney Water Compliance Certificate

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

Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site

<http://www.sydneywater.com.au/Buildingdeveloping/DevelopingYourLand/GettiNgaSect73ComplianceCertificate.cfm> or telephone 13 20 92.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision Certificate.

49. Endeavour Energy Satisfactory Arrangement

The submission of evidence from Endeavour Energy that satisfactory arrangements have been made for the provision of electricity services to all allotments.

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

50. Telecommunications Compliance Certificate

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

For further enquiries regarding the issue of the Compliance Certificate, contact Telstra on 13 22 00 or complete the online form at <http://www.telstra.com.au/smart-community/developers/>.

GENERAL CONDITIONS

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

51. Road Splay

A 6m x 6m road splay shall be provided on the corners of Road 1 Stage 1 and the Access Road within the Burley Road reserve.

52. ~~Road No. 1 Access~~ THIS CONDITION HAS BEEN DELETED

~~Access from Road No. 1 to proposed Lot 101 shall only be permitted south of the southern boundary of proposed Lot 302. A suitable restriction on the use of the land for proposed Lot 101 is to be created on title.~~

53. Compliance with Construction Certificate

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

54. Buried Waste

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council's Environmental Management Section is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

55. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

56. Telecommunication Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra Network Integrity Team on Phone Number 1800 810 443.

57. Waste Classification

Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and NSW Environmental Protection Authority (formerly known as Department of Environment and Climate Change) Environmental Waste Classification Guidelines. The classification of the material is essential to determine where the waste may be legally taken.

58. Waste Receipts

A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record is to be made available to Council's Officers, upon request.

59. Remediation Work

All remediation work shall be carried out in accordance with the Remediation Action Plan prepared by DLA Environmental Services Pty Ltd (Reference: DLH1121_H00280) dated 1 December 2014; State Environmental Planning Policy No.55 – Remediation of Land; and the Environment Protection Authority Contaminated Sites Guideline series.

In this regard, the *Site Environmental Management Plan* (which includes comments on an associated *Workplace Health & Safety Plan* and *Remediation Works Management Plan*) and *Unexpected Findings Protocol* which are provided as Appendices to the RAP shall be fully adhered to, so that remediation work is conducted in such a manner as not to interfere with or materially affect the amenity of neighbouring premises by way of noise, vibration, odours, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.

60. Notice of Completion of Remediation Work

Within thirty (30) days of completion of remediation works notice of the works completed shall be given to Council in accordance with Clause 17(2) of State Environmental Planning Policy No. 55 – Remediation of Land. The notice shall be in writing and prepared and signed by the person who carried out the work.

The Notice shall also:

- a. Provide the person's name, address and business telephone number;
- b. Provide details of the person's qualifications to carry out the work;
- c. Specify, by reference to its property description and street address, the land on which the work was carried out;

- d. Provide a map of the location of the land;
- e. State when the work was completed;
- f. Specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment;
- g. Specify the uses of the land immediately before the work started;
- h. Briefly describe the method of remediation used in the work;
- i. Specify the guidelines that were complied within the work;
- j. Specify the standard of remediation achieved (in the light of the use proposed for the land);
- k. Show in what manner the work (if a category 1 remediation work) complied with the conditions of the relevant development consent; and
- l. State what action must be maintained in relation to the land after the completion of the remediation achieved is to be maintained.

NOTE: A site audit statement (within the meaning of Part 4 of the Contaminated Land Management Act 1997) may be given in partial compliance with this requirement.

61. Validation Report

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 No.55 – Remediation of Land; and the Environment Protection Authority Contaminated Sites Guideline series.

Should the validation report deem that further remediation is required; a Remedial Action Plan (RAP) shall be developed by a suitably qualified contaminated land consultant and be submitted to Fairfield City Council for approval.

Subsequent to the completion of approved remediation works, a further site validation report is to be submitted to Fairfield City Council. The report shall confirm whether the goals set in the RAP have been achieved.

62. Land Contamination

Any new information which comes to light during any remediation works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council immediately after discovery. A Section 96 Application under the Environmental Planning and Assessment Act 1979 as amended shall be made for any proposed works outside the scope of the development consent.

63. Compliance Noise Monitoring

During the period of construction works, compliance noise monitoring shall be carried out to determine the effectiveness of noise control measures stipulated within the Acoustic Assessment Report prepared by TTM Consulting Pty Ltd (Reference:14SYA0026 R0_2) dated 21 August 2014. Within two (2) months of the construction works commencing, an acoustic report shall be prepared and submitted to Council for its assessment and approval which includes but is not limited to the following information:

- a) Any complaints received in relation to construction activities conducted at the premises.

- b) Verification that noise levels emitted from the premises and measured at identified noise sensitive receivers, comply with all relevant assessment criteria detailed in the above mentioned report.
- c) Where monitoring indicates that noise emissions exceed the assessment criteria, the report shall provide recommendations in relation to additional noise attenuation measures required to be implemented in order to meet the criteria.

64. Restriction on Blasting Activities

No blasting is permitted.

Stage Two Subdivision

The following Stage 2 conditions may be relevant for Stages 2A, 2B and 2C

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a Construction Certificate for Stage 2 by a Certifying Authority. The Certifying Authority can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.

65. NSW Rural Fire Service Conditions

Subdivision Plan

The development proposal is to comply with the subdivision layout identified on the drawing prepared by Calibre Consulting numbered Project No. X13044.P_ST-2A, 2B & 2C, Sheets 1, 2 and 3 of 3, Revision 12, dated 13 September 2019.

Water and Utilities

Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

Note: Any further development application for a class 1, 2 or 3 building as identified by the 'Building Code of Australia' and impacted by the Bush Fire Prone Land Map may be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

66. Outstanding Long Service Levy Fee

Prior to the issue of a Construction Certificate for Stage 2, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifying Authority.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment.

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

67. Landscape Plans Certified by Landscape Architect

Prior to the issue of a Construction Certificate for Stage 2, a landscape plan for Stage 2 is to be prepared by a landscape architect (senior) registered with the Australian Institute of Landscape Architects and designed in accordance with Fairfield Council's Landscape Policy and submitted to the Certifying Authority.

Landscape plans shall be consistent with the approved development plans (Condition 1), reports (Condition 2), requirements in Condition 3 and condition no. 7 and contain the following information:

- a. Existing trees (height and location);
- b. Trees to be removed;
- c. Deleted
- d. Proposed planting (quantity, species, and expected mature height);
- e. Proposed earth mounding;
- f. Paths and paving (location and materials);
- g. The method of planting and the proposed maintenance program; and
- h. Details of lighting, fencing and paving, where relevant.
- i. Dense tree planting at the Toe of the bund/retaining walls with a minimum of 1m soil depth, a planting density of 4 plants per square metre on the bund of which is to be a small tree/large shrub with a trunk that will not exceed 80mm diameter at maturity.

The landscaping in the landscape buffer zone shall be of a scale and density that will assist in screening and reducing the apparent scale of the anticipated development on the approved lots. Landscaping shall be designed to complement and enhance the development.

All future development within the approved Stage 2 subdivision development shall remain consistent with the landscape plan required by this condition.

68. Stormwater Drainage Certificate

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

- d. Satisfactory arrangements have been made for the disposal of stormwater;
- e. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
- f. The piped drainage system has been designed in accordance to Council's Stormwater Drainage Policy.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

- a. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.
- f.
- b. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

Water Sensitive Urban Design measures shall be considered in the subdivision works. Applicant is to liaise with Council's Catchment Branch prior to the issue of a Construction Certificate.

69. Unexpected Finds Protocol

Prior to the issue of a construction certificate, submit to Fairfield City Council an 'Unexpected Finds Protocol' including but not limited to the assessment/management of any contamination discovered during the course of works.

70. Air Quality

Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport.

71. Construction Certificate Required (Engineering Approval)

Prior to the commencement of the construction works, a Construction Certificate (Engineering Approval) is required to be issued by a Certifying Authority. The works include construction of the extension of the internal Road 1 Stage 2A, 2B, drainage works, including landscaping works and earthworks.

If Council is appointed as the certifier to issue the construction certificate, five copies of the Engineering Plans for the proposed works shall be submitted to the Principal Certifying Authority; the Construction Certificate plan checking fee shall be determined in accordance with Council's Schedule of Fees and Charges; the fee is to be paid prior to the issue of a Construction Certificate.

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

72. Appointment of a Principal Certifying Authority

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

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

73. Administration Fee for the Lodgement of Certificate

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

74. Toilet Facility

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

75. Construction Traffic Management Plan

A Construction Traffic Management Plan shall be submitted to Council for approval, prior to the commencement of works.

CONDITIONS ADVISING OF FEES AND CHARGES APPLICABLE TO THE SUBDIVISION.

The following conditions have been imposed to provide for various facilities and services required to meet the demands arising from the proposed subdivision.

76. Engineering Works and Plan Assessment Inspection Fee

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

77. Maintenance Bond

Prior to final subdivision certificate for Stage 2C the applicant is to provide security, in the way of a bond or bank guarantee (at the applicant's choice), to be held by Council for the payment of the cost of ~~remedying~~ **remediating** any defects in relation to the public works (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) that are constructed and dedicated to Council in Stage 2C, that arise within 2 years of the completion of the work. If no defects arise within 2 years of the completion of the work, or any such defects (that arise within 2 years of the completion) are not notified by Council to the applicant within 25 months of the completion of the works, the applicant ~~may~~ **can** obtain the release of the security from Council.

~~The maintenance bond amount to be held by Council shall be the sum of cost of works and 10% of the cost of works.~~

The maintenance bond associated with the road frontage (i.e. Road Chainages 1015 to 1215) amount to be held by Council for the 2 years shall be the sum of two (2) times the cost of Stage

2C road works, plus 10%. At the end of the maintenance period (i.e. 2 years) and to Council's satisfaction on the condition of the road as outlined above, the applicant shall pay Council \$90,877.16 (incl. GST) (value to 10% of the road and services fronting Stage 2C – CH 1015 to 1215) to Council for any road restoration works required thereafter.

Upon receipt of the Subdivision Certificate, the Applicant must complete a joint defects inspection every 6 months within the 2 years Defected Liability period. The joint inspection is to be undertaken by the Applicant, Council and Geotechnical Engineer to monitor the performance of the Stage 2C road reserve (i.e. Road Chainages 1015 to 1215). Following the Final Inspection, any defects affecting the performance or operation of the road (due to the settlement) is to be rectified by the Applicant to Council's satisfaction.

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.

78. Subdivision Certificate Release Fee

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

At the time of issuing this consent, the fee is \$300 for Stage 2A, \$300 for Stage 2B and \$300 for Stage 2C.

CONDITIONS RELATING TO WORKS ASSOCIATED WITH THE SUBDIVISION

The following conditions have been imposed to ensure that adequate and safe public access is available to the subdivision for both pedestrian and vehicular traffic and that the subdivision will not have detrimental effects on the environment.

79. Erosion and Sediment Control Plan

A detailed Erosion and Sediment Control plan prepared in accordance with Council's policy for Urban Erosion and Sediment Control shall be issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council. The control measures detailed in the approved plan shall be implemented prior to commencement of any works, including stripping or clearing, on site.

The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity.

80. Notify Council of Intention of Commencement Works

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

81. Site During Construction

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

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

g.

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

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

82. Maintenance of Construction Site

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

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

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

83. During Construction

During the construction period the applicant must ensure that:

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction;
- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building or subdivision work is carried out between 7.00am and 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday. No work shall be undertaken on Sunday or a public holiday.

84. Extension of Internal Road No. 1 Design

The extension of Internal Road No. 1 must be designed and constructed to the standard of an Industrial Road in accordance with Council's Specification for Roadworks and Drainage associated with subdivision or other development (Policy No. 4-515).

85. Road and Drainage Construction Plans

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

86. Alignment of Roadway

The alignment of the extension to Road 1 Stage 2, 20m wide and variable width to be in accordance with plans issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

87. Construction of Roadway

The construction of full width of the extension to Road 1 Stage 2 adjacent to the proposed allotments, in accordance with plans and specifications issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

88. Path Paving

Prior to the issue of the Subdivision Certificate, Council's shared concrete path paving shall be constructed by the developer at no cost to Council for the full road frontage of the subdivision development along the extension of Road 1 Stage 2, in accordance with the approved plans. The area of the footway not paved shall be topsoiled and turfed.

89. Tree Preservation Order

No trees shall be pruned or removed without prior written consent in the form of a Tree Preservation Order from Fairfield City Council.

90. Fill Material for Dam

Dam shall be filled with "clean" fill only.

91. Dewatering Dam

Dewatering of the dam shall be carried out to "Not" concentrate flows on adjoining properties or roadways.

92. Lot Filling

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

93. Validation of Fill

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

94. Fill Validation Report

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites, shall be submitted to Council for approval. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

95. Chain of Custody Documentation

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

96. Compaction Requirements

- a. Any filling carried out in accordance with this consent shall maintain a minimum requirement of 95% standard compaction.

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m² (min 1 test per 300mm layer) certified by a qualified geotechnical engineer.

- b. Filling operations shall be in accordance with Appendix B of AS 3798-996 "Guidelines on Earthworks for Commercial and Residential Developments" of which Level 1 Testing will be adopted for this development due to the quantity of fill. Level 1 Testing will require full time inspection and testing service by the Geotechnical Testing Authority of the site stripping, proof rolling, placement and compaction of the fill, with the location of tests being at the discretion of the Geotechnical Testing Authority.

The fill shall be compacted to a minimum density ratio of 95% standard compaction.

97. Unreasonable Noise and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

98. Adjustment to Public Utilities

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

99. Works as Executed Drawings

Following completion of the works the applicant shall provide a detailed "work as executed" drawing signed by a registered surveyor showing the finished surface levels of the extension of

the internal Road 1 Stage 2A and 2B, drainage works, including landscaping works, earthworks, and any lot filling, carried out under this consent.

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

CONDITIONS RELATING TO THE PROVISION OF SERVICES TO THE SUBDIVISION

The following conditions have been imposed to ensure that the subdivision is provided with adequate services.

100. Inter-Allotment Drainage Construction

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

101. Easements for all Services

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

102. Registered Surveyor Certification

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

103. Sydney Water Compliance Certificate

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

Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site

<http://www.sydneywater.com.au/Buildingdeveloping/DevelopingYourLand/GettiNgaSect73ComplianceCertificate.cfm> or telephone 13 20 92.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan.

104. Endeavour Energy Satisfactory Arrangements

The submission of evidence from Endeavour Energy that satisfactory arrangements have been made for the provision of electricity services to all allotments.

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

105. Telecommunications Compliance Certificate

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

For further enquiries regarding the issue of the Compliance Certificate, contact Telstra on 13 22 00 or complete the online form at <http://www.telstra.com.au/smart-community/developers/>.

GENERAL CONDITIONS

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

106. Road Splay

Road splays shall be located on the tangent points of the extension of Road 1 in Stages 2A and 2B of proposed lot 202.

107. Bund Maintenance Access

The southern face of the bund and retaining wall on lots 201 and 204 are to be accessible by foot for maintenance purposes, so that maintenance may be undertaken manually where necessary with handheld tools.

If required to ensure access will be available for maintenance purposes, the applicant is to register on title an easement benefitting proposed Lot 202 and burdening the conservation lot to allow the owner of lot 202 to gain access to the base of the bund and boundary for maintenance.

108. Landscaped Setback Vegetation Height

- (a) Landscaping on that portion of the site adjacent to the southern boundary in the landscape setback that does not have the bund in place shall achieve a minimum height of 7m above the finished level of proposed Lot 201, prior to the release of the subdivision certificate.
- (b) The condition above (111(a)) does not need to be complied with and the subdivision certificate may be released if stages 3b to 5 of the Concept Plan Approval issued by the Director General of the Department of Planning (Reference 10_0129) have been approved and the actual physical works such as earthworks, roadworks or building construction has occurred on that site in accordance with Condition 4 of Schedule 2 of that Concept Plan Approval.

109. Compliance with Construction Certificate

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

110. Buried Waste

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council's Environmental Management Section is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

111. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

112. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra Network Integrity Team on Phone Number 1800 810 443.

113. Waste Classification

Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and NSW Environmental Protection Authority (formerly known as Department of Environment and Climate Change) Environmental Waste Classification Guidelines. The classification of the material is essential to determine where the waste may be legally taken.

114. Waste Receipts

A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record is to be made available to Council's Officers, upon request.

115. Remediation Work

All remediation work shall be carried out in accordance with the Remediation Action Plan prepared by DLA Environmental Services Pty Ltd (Reference: DLH1121_H00280) dated 1 December 2014; State Environmental Planning Policy No.55 – Remediation of Land; and the Environment Protection Authority Contaminated Sites Guideline series.

In this regard, the *Site Environmental Management Plan* (which includes comments on an associated *Workplace Health & Safety Plan* and *Remediation Works Management Plan*) and *Unexpected Findings Protocol* which are provided as Appendices to the RAP shall be fully adhered to, so that remediation work is conducted in such a manner as not to interfere with or materially affect the amenity of neighbouring premises by way of noise, vibration, odours, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.

116. Notice of Completion of Remediation Work

Within thirty (30) days of completion of remediation works notice of the works completed shall be given to Council in accordance with Clause 17(2) of State Environmental Planning Policy No. 55 – Remediation of Land. The notice shall be in writing and prepared and signed by the person who carried out the work.

The Notice shall also:

- a. Provide the person's name, address and business telephone number;
- b. Provide details of the person's qualifications to carry out the work;
- c. Specify, by reference to its property description and street address, the land on which the work was carried out;
- d. Provide a map of the location of the land;
- e. State when the work was completed;
- f. Specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment;
- g. Specify the uses of the land immediately before the work started;
- h. Briefly describe the method of remediation used in the work;
- i. Specify the guidelines that were complied within the work;
- j. Specify the standard of remediation achieved (in the light of the use proposed for the land);
- k. Show in what manner the work (if a category 1 remediation work) complied with the conditions of the relevant development consent; and
- l. State what action must be maintained in relation to the land after the completion of the remediation achieved is to be maintained.

NOTE: A site audit statement (within the meaning of Part 4 of the Contaminated Land Management Act 1997) may be given in partial compliance with this requirement.

117. Validation Report

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 No.55 – Remediation of Land; and the Environment Protection Authority Contaminated Sites Guideline series.

Should the validation report deem that further remediation is required; a Remedial Action Plan (RAP) shall be developed by a suitably qualified contaminated land consultant and be submitted to Fairfield City Council for approval.

Subsequent to the completion of approved remediation works, a further site validation report is to be submitted to Fairfield City Council. The report shall confirm whether the goals set in the RAP have been achieved.

118. Land Contamination

Any new information which comes to light during any remediation works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council immediately after discovery. A Section 96 Application under the

Environmental Planning and Assessment Act 1979 as amended shall be made for any proposed works outside the scope of the development consent.

119. Compliance Noise Monitoring

During the period of construction works, compliance noise monitoring shall be carried out to determine the effectiveness of noise control measures stipulated within the Acoustic Assessment Report prepared by TTM Consulting Pty Ltd (Reference:14SYA0026 R0_2) dated 21 August 2014. Within two (2) months of the construction works commencing, an acoustic report shall be prepared and submitted to Council for its assessment and approval which includes but is not limited to the following information:

- a. Any complaints received in relation to construction activities conducted at the premises.
- b. Verification that noise levels emitted from the premises and measured at identified noise sensitive receivers, comply with all relevant assessment criteria detailed in the above mentioned report.
- c. Where monitoring indicates that noise emissions exceed the assessment criteria, the report shall provide recommendations in relation to additional noise attenuation measures required to be implemented in order to meet the criteria.

120. Restriction on Blasting Activities

No blasting is permitted.

121(A). Positive Covenant – Landscape Embankment and Retaining System Maintenance on the Southern Boundary

A Positive Covenant shall be created over proposed lots 201 and 202 in the following terms;

- (1) The proprietor of the burdened lot from time to time shall do all things necessary to maintain, repair and replace the landscaping and maintain the embankment or retaining system within the land so burdened in accordance with the Vegetation Management Plan prepared by Stuart Noble Associates Pty Ltd, dated 15 June 2015, Issue A and all other relevant landscaping conditions specified under this Consent.
- (2) For the purpose of ensuring observance of the covenant the Council may by its servants or agents at any reasonable time of the day upon giving to the person against whom the covenant is enforceable not less than 2 days' notice, enter the land and view the condition of the land and the state of construction or repair of the embankment, except to the extent that the Council and that person may otherwise agree.

Structure and works shall mean the embankment or retaining system and any storm water drainage system associated with that work constructed on the land.

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

121(B) Restriction on the Use of Land on Proposed Lot 201

A 'Restriction on the Use of Land' shall be imposed on proposed Lot 201 restricting the future building pad level to 86.5m AHD.

122. Landfill – Proposed Lot 203 of Sub Stage 2A

Positive Covenant

A positive covenant is to be registered on the title of proposed Lot 203 of Sub-Stage 2A requiring the landfill area to be maintained in accordance with any applicable environmental protection licence that applies to the land.

Restriction on Use

A restriction on use of land is to be registered on the title of the proposed lot 203 of Sub-Stage 2A, prohibiting restricting the use of the landfill area for any purpose that is inconsistent with meeting the objectives of an environmental protection licence that applies to the landfill.

Name of Authority having the power to release vary or modify the Positive Covenant and Restriction on Use shall be Fairfield City Council.

Please note that from this point forward conditions have been re-numbered

Stage Three Subdivision

APPROVED PLANS

123. Compliance with Plans

The development shall take place in accordance with the approved development plans prepared by Calibre, except as modified by any conditions of this consent, as prepared by and listed below:

Stage 3A, 3B and 3C Subdivision Plans				
Drawing Title	Project Number	Drawing Number	Revision	Date
MASTERPLAN - Proposed Subdivision of Residue Lot 207 in Previous Application	X13044.P-ST3_1	1 of 3	17	08/03/2021
STAGE 3A - Proposed Subdivision of Residue Lot 207 in Previous Application	X13044.P-ST3_2	2 of 3	17	08/03/2021
STAGE 3B – Proposed Subdivision of Residue Lot 302 in Previous Application	X13044.P-ST3_3	3 of 3	17	08/03/2021
Project Number 15-001115.17 – Stage 3A, 3B and 3C Subdivision Design				
Drawing Title	Drawing Number	Revision	Sheet Number	Date
Cover Sheet	000	1	-	12/03/2021
General Notes and Legend	001	1	-	12/03/2021
General Arrangement Plan	002	1		12/03/2021
Soil & Water Management Plan	101	1	-	12/03/2021
Site Regrading Plan	201	1	1 of 4	12/03/2021
Site Regrading Plan	202	1	2 of 4	12/03/2021

Stage 3A, 3B and 3C Subdivision Plans				
Drawing Title	Project Number	Drawing Number	Revision	Date
Site Regrading Plan	203	1	3 of 4	12/03/2021
Site Regrading Plan	204	1	4 of 4	12/03/2021
Site Regrading Sections	211	1	1 of 4	12/03/2021
Site Regrading Sections	212	1	2 of 4	12/03/2021
Site Regrading Sections	213	1	3 of 4	12/03/2021
Site Regrading Sections	214	1	4 of 4	12/03/2021
Engineering Plan	301	1	1 of 4	12/03/2021
Engineering Plan	302	1	2 of 4	12/03/2021
Engineering Plan	303	1	3 of 4	12/03/2021
Engineering Plan	304	1	4 of 4	12/03/2021
Road Longitudinal Section and Typical Cross Section	401	1	-	12/03/2021

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a Construction Certificate for Stage 3 by a Certifying Authority. The Certifying Authority can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.

124. Final Road Layout

Prior to the issue of a Construction Certificate for Stage 3 the final Road No. 1 layout shall be determined in consultation with Fairfield City Council and the Roads and Maritime Service. In this regard a resolution must be sought for the proposed access options to Southern Link Road as noted in the RMS letter dated 29 January 2015 Reference No. SYD14/01289(A8390566).

Subject to the outcome of the final road layout new plans may need to be submitted to Council for approval, which may include the requirement of an internal link road within stage 3 ensuring the free flow of traffic, or a Cul-de-sac where Road No.1 may terminate to ensure vehicles may manoeuvre safely.

The final road layout plans are to include any works required to the Stage 1 portion of Road 1, including (if required) any portion of (temporary) Stage 1 Road 1 which is to be closed, and any portion of (temporary) Stage 1 Road 1 which is to be dedicated to public road.

125. Outstanding Long Service Levy Fee

Prior to the issue of a Construction Certificate, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifying Authority.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment. Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

126. **Landscape Plans Certified by Landscape Architect**

Prior to the issue of a Construction Certificate for Stage 3, a landscape plan for Stage 3 is to be prepared by a landscape architect (senior) registered with the Australian Institute of Landscape Architects and designed in accordance with Fairfield Council's Landscape Policy and submitted to the Certifying Authority.

Landscape plans shall be consistent the approved development plans (Condition 1), reports (Condition 2), requirements in condition 3 and condition no. 7 and contain the following information:

- a. Existing trees (height and location);
- b. Trees to be removed;
- c. Proposed planting (quantity, species, and expected mature height);
- d. Proposed earth mounding;
- e. Paths and paving (location and materials);
- f. The method of planting and the proposed maintenance program;
- g. Details of lighting, fencing and paving, where relevant; and
- h. Dense tree planting with a density of 4 plants per square metre shall be provided along proposed Lot ~~307~~ **305**.

The landscaping shall be of a scale that will match the scale of the anticipated development on the approved lots. Landscaping shall be designed to complement and enhance the development.

All future development within the approved subdivision development shall remain consistent with the landscape plan required by this condition.

127. **Stormwater Drainage Certificate**

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

- a. Satisfactory arrangements have been made for the disposal of stormwater;
- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
- c. The piped drainage system has been designed in accordance to Council's Stormwater Drainage Policy.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

- a. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.
- h.

- b. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

128. Unexpected Finds Protocol

Prior to the issue of a construction certificate, submit to Fairfield City Council an 'Unexpected Finds Protocol' including but not limited to the assessment/management of any contamination discovered during the course of works.

129. Air Quality

Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport.

130. Construction Certificate Required (Engineering Approval)

Prior to the commencement of the construction works, a Construction Certificate (Engineering Approval) is required to be issued by a Certifying Authority. The works include the construction of the extension of the internal Road 1 Stage 3 to the intersection of Burley Road and Old Wallgrove Road, including any additional road works as a result of the determination of the final road layout, drainage works, landscaping works, and earthworks.

If Council is appointed as the certifier to issue the construction certificate, five copies of the Engineering Plans for the proposed works shall be submitted to Council for approval. The Construction Certificate plan checking fee shall be determined in accordance with Council's Schedule of Fees and Charges. The fee is to be paid prior to the issue of Construction Certificate.

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

131. Appointment of a Principal Certifying Authority

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

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

132. Administration Fee for the Lodgement of Certificates

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

133. Toilet Facility

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

134. Construction Traffic Management Plan

A Construction Traffic Management Plan shall be submitted to Council for approval, prior to the commencement of works.

CONDITIONS ADVISING OF FEES AND CHARGES APPLICABLE TO THE SUBDIVISION.

The following conditions have been imposed to provide for various facilities and services required to meet the demands arising from the proposed subdivision.

135. Engineering Works and Plan Assessment Inspection Fee

The payment to Council of an engineering works inspection fee (if Council is to issue a Compliance Certificate for the subdivision work). The value of this fee will be determined in accordance with Council's Schedule of Fees and Charges with inspections being carried out in accordance with Council's Specification for Roadwork and Drainage associated with Subdivision or other Development.

This fee will need to be paid prior to release of the Construction Certificate (Engineering Approval).

136. Security for Public Works

Prior to final subdivision certificate for Stage 3 the applicant is to provide security, in the way of a bond or bank guarantee (at the applicant's choice), to be held by Council for the payment of the cost of remedying any defects in relation to the public works (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) constructed and dedicated to Council in Stage 3, that arise within 6 months of the completion of the work. If no defects arise within 6 months of the completion of the work, or any such defects (that arise within 6 months of the completion) are not notified by Council to the applicant within 7 months of the completion of the works, the applicant may obtain the release of the security from Council.

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.

137. Subdivision Certificate Release Fee

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

At the time of issuing this consent, the fee is **\$800**.

CONDITIONS RELATING TO WORKS ASSOCIATED WITH THE SUBDIVISION

The following conditions have been imposed to ensure that adequate and safe public access is available to the subdivision for both pedestrian and vehicular traffic and that the subdivision will not have detrimental effects on the environment.

138. Erosion and Sediment Control Plan

A detailed Erosion and Sediment Control plan prepared in accordance with Council's policy for Urban Erosion and Sediment Control shall be issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council. The control measures detailed in the approved plan shall be implemented prior to commencement of any works, including stripping or clearing, on site.

The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity.

139. Notify Council of Intention to Commence Works

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

140. Site During Construction

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

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

A \$600 on the spot fine may be issued for non-compliance with this condition.
(Environmental Planning & Assessment Regulation 2000 Section 98A).

141. Maintenance of Construction Site

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

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

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

During Construction

During the construction period the applicant must ensure that:

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction;
- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building or subdivision work is carried out between 7.00am and 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday. No work shall be undertaken on Sunday or a public holiday.

142. Road and Drainage Construction Plans

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

143. Alignment of Roadway

The alignment of the extension to Road 1 Stage 3, 20m wide and variable width to be in accordance with plans issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

144. Construction of Roadway

The construction of full width of the extension of Road 1 Stage 3 adjacent to the proposed allotments, in accordance with plans and specifications issued with a Construction Certificate (Engineering Approval) by an Accredited Certifier or by Fairfield City Council prior to the commencement of works on site.

145. Path Paving

Prior to the issue of the Subdivision Certificate, Council's shared concrete path paving shall be constructed by the developer at no cost to Council for the full road frontage of the subdivision development along the extension of Road 1 Stage 3, in accordance with the approved plans.

The area of the footway not paved shall be topsoiled and turfed.

146. Tree Preservation Order

No trees shall be pruned or removed without prior written consent in the form of a Tree Preservation Order from Fairfield City Council.

147. Fill Material of Dam

Dam shall be filled with "clean" fill only.

148. Dewatering Dam

Dewatering of the dam shall be carried out to “Not” concentrate flows on adjoining properties or roadways.

149. Lot Filling

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

150. Validation of Fill

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

151. Fill Validation Report

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites, shall be submitted to Council for approval. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

152. Chain of Custody Documentation

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

153. Compaction Requirements

- a. Any filling carried out in accordance with this consent shall maintain a minimum requirement of 95% standard compaction. Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m² (min 1 test per 300mm layer) certified by a qualified geotechnical engineer.
- i.
- b. Filling operations shall be in accordance with Appendix B of AS 3798-996 "Guidelines on Earthworks for Commercial and Residential Developments" of which Level 1 Testing will be adopted for this development due to the quantity of fill. Level 1 Testing will require full time inspection and testing service by the Geotechnical Testing Authority of the site stripping, proof rolling, placement and compaction of the fill, with the location of tests being at the discretion of the Geotechnical Testing Authority.
- j. The fill shall be compacted to a minimum density ratio of 95% standard compaction

154. Unreasonable Noise and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

155. Adjustment to Public Utilities

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

156. Works as Executed Drawings

Following completion of the works the applicant shall provide a detailed "work as executed" drawing signed by a registered surveyor showing the finished surface levels of internal Road 1 Stages 1, 2 and 3 to the intersection of Burley Road and Old Wallgrove Road, including any additional road works required as a result of the determination of the final road layout, drainage works, landscaping works, earthworks and any lot filling, carried out under this consent.

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

CONDITIONS RELATING TO THE PROVISION OF SERVICES TO THE SUBDIVISION

The following conditions have been imposed to ensure that the subdivision is provided with adequate services.

157. Inter-Allotment Drainage Construction

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

158. Easements for all Services

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

159. Registered Surveyor Certification

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

160. Sydney Water Compliance Certificate

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

Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site <http://www.sydneywater.com.au/Buildingdeveloping/DevelopingYourLand/GettiNgaSect73ComplianceCertificate.cfm> or telephone 13 20 92.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan.

161. Endeavour Energy Satisfactory Arrangements

The submission of evidence from Endeavour Energy that satisfactory arrangements have been made for the provision of electricity services to all allotments.

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

162. Telecommunications Compliance Certificate

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

For further enquiries regarding the issue of the Compliance Certificate, contact Telstra on 13 22 00 or complete the online form at <http://www.telstra.com.au/smart-community/developers/>.

GENERAL CONDITIONS

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

163. Dedication of Roadway

The dedication to the public as road on the final plan of subdivision at no cost to Council of the Stage 3 portion of Internal Road 1.

164. Dedication of Road Splay

The dedication to the public as road on the final plan of subdivision at no cost to Council, the splays located on the tangent points of the extension of Road 1 Stages 1, 2 and 3 on proposed lots 101, 202, 301 and 302 and 303 and 305.

~~165. Lot Access Proposed Lots 301 and 302~~ THIS CONDITION HAS BEEN DELETED

~~A restrictive covenant is to be lodged on the title of proposed Lot 302, restricting access to proposed Lot 302 so as to only be permitted across its southern boundary.~~

~~Access to proposed Lot 301 across its eastern boundary is to be limited so that it does not interfere with the safe and functional operation of the intersection of Old Wallgrove Road Southern Link Road and Road No. 1.~~

166. Compliance with Construction Certificate

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

167. Buried Waste

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council's Environmental Management Section is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

168. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

169. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra Network Integrity Team on Phone Number 1800 810 443.

170. Waste Classification

Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and NSW Environmental Protection Authority (formerly known as Department of Environment and Climate Change) Environmental Waste Classification Guidelines. The classification of the material is essential to determine where the waste may be legally taken.

171. **Waste Receipts**

A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record is to be made available to Council's Officers, upon request.

172. **Remediation Work**

All remediation work shall be carried out in accordance with the Remediation Action Plan prepared by ~~DLA Environmental Services Pty Ltd (Reference: DLH1121_H00280) dated 1 December 2014~~ **ERM Services Australia Pty Ltd (Reference 0449086_S0101738_Horsley_RAP_R03.1_CR) dated 9 November 2020**; State Environmental Planning Policy No.55 – Remediation of Land; and the Environment Protection Authority Contaminated Sites Guideline series.

In this regard, the *Site Environmental Management Plan* (which includes comments on an associated *Workplace Health & Safety Plan* and *Remediation Works Management Plan*) and *Unexpected Findings Protocol* which are provided as Appendices to the RAP shall be fully adhered to, so that remediation work is conducted in such a manner as not to interfere with or materially affect the amenity of neighbouring premises by way of noise, vibration, odours, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.

173. **Notice of Completion of Remediation Work**

Within thirty (30) days of completion of remediation works notice of the works completed shall be given to Council in accordance with Clause 17(2) of State Environmental Planning Policy No. 55 – Remediation of Land. The notice shall be in writing and prepared and signed by the person who carried out the work. The Notice shall also:

- a. Provide the person's name, address and business telephone number;
- b. Provide details of the person's qualifications to carry out the work;
- c. Specify, by reference to its property description and street address, the land on which the work was carried out;
- d. Provide a map of the location of the land;
- e. State when the work was completed;
- f. Specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment;
- g. Specify the uses of the land immediately before the work started;
- h. Briefly describe the method of remediation used in the work;
- i. Specify the guidelines that were complied with in the work;
- j. Specify the standard of remediation achieved (in the light of the use proposed for the land);
- k. Show in what manner the work (if a category 1 remediation work) complied with the conditions of the relevant development consent; and
- l. State what action must be maintained in relation to the land after the completion of the remediation achieved is to be maintained.

NOTE: A site audit statement (within the meaning of Part 4 of the Contaminated Land Management Act 1997) may be given in partial compliance with this requirement.

174. Validation Report

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 No.55 – Remediation of Land; and the Environment Protection Authority Contaminated Sites Guideline series.

Should the validation report deem that further remediation is required; a Remedial Action Plan (RAP) shall be developed by a suitably qualified contaminated land consultant and be submitted to Fairfield City Council for approval.

Subsequent to the completion of approved remediation works, a further site validation report is to be submitted to Fairfield City Council. The report shall confirm whether the goals set in the RAP have been achieved.

175. Land Contamination

Any new information which comes to light during any remediation works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council immediately after discovery. A Section 96 Application under the Environmental Planning and Assessment Act 1979 as amended shall be made for any proposed works outside the scope of the development consent.

176. Compliance Noise Monitoring

During the period of construction works, compliance noise monitoring shall be carried out to determine the effectiveness of noise control measures stipulated within the Acoustic Assessment Report prepared by TTM Consulting Pty Ltd (Reference:14SYA0026 R0_2) dated 21 August 2014. Within two (2) months of the construction works commencing, an acoustic report shall be prepared and submitted to Council for its assessment and approval which includes but is not limited to the following information:

- a) Any complaints received in relation to construction activities conducted at the premises.
- b) Verification that noise levels emitted from the premises and measured at identified noise sensitive receivers, comply with all relevant assessment criteria detailed in the above mentioned report.
- c) Where monitoring indicates that noise emissions exceed the assessment criteria, the report shall provide recommendations in relation to additional noise attenuation measures required to be implemented in order to meet the criteria.

177. Restriction on Blasting Activities

No blasting is permitted.

178. Demolition of Structures

The demolition and removal off-site of the Brick Factory Buildings and associated structures from proposed Stage 3 allotments, to be at the Developer's expense. The demolition of any building is subject to a separate Development Application to be approved by Council's Building Control Branch.

179. Restriction on the Use of Land – Lot 306

A 'Restriction on the Use of Land' shall be imposed on proposed Lot 306 in the following terms:

"No further development on the lot burdened (Lot 306) is to take place unless it is in accordance with Development Consent restricted to the type of development permissible in the zone.

No development shall be permitted be permitted on the lot hereby burdened unless it is to be developed to the final levels in accordance with the development consent having Notice of Determination No: 893.8/2013 issued by the Council of Fairfield on 19 January 2021.

Council will raise no objection to the extinguishment of this restriction in respect of a lot hereby burdened when development is completed on that lot in accordance with Determination 893.8/2013 dated 19 January 2021."

- End of Conditions -

The above modifications are made pursuant to Section 4.55 of the Environmental Planning and Assessment Act and in making these modifications Council is of the opinion that no person/s will be adversely affected. All other conditions of the consent which have not been modified remain in effect and must be complied with.

Pursuant to Section 8.9 of the Environmental Planning and Assessment Act 1979, an applicant for the modification of a development consent, for which a council is the consent authority, may request the council to review a determination by the council under section 4.55 or section 4.56 of the Act. Any application for a review must be lodged not later than 28 days after the date on which the application for modification was determined. Pursuant to Section 8.9 of the Environmental Planning and Assessment Act an applicant may seek a Right of Appeal to the Land and Environment Court if they are dissatisfied with the determination by the consent authority.

The modification of the Development Consent does NOT extend the period of the operation of the consent.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within twenty-eight (28) days from the date that you received this notice provided that an appeal under section 8.9 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.9 of the EP&A Act to appeal to the Court within six (6) months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [*Conditions of development consent: advisory notes*](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Fairfield City Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Fairfield Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Western City Planning Panel.