

NOTICE OF DETERMINATION OF SECTION 4.55 MODIFICATION NO. 893.7/2013

No.	Title	Condition	Comment
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:	The submitted architectural and civil drawings are consistent with subdivision plans as approved by Fairfield Council by way of DA893.7/2013. Note that the lot referencing in SSD DA reflect the ultimate lot layout numbering.
2	Reports Certification	<p>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:</p> <p>a. <u>Statement of Environmental Effects</u>, prepared by Brown Consulting Pty Ltd, dated 19 December 2013.</p> <p>b. <u>Flora and Fauna Assessment</u>, prepared by Travers Bushfire and Ecology, File no.: A13140TSS, dated 10 March 2014.</p> <p>c. <u>Acoustic Report prepared by TTM Consulting Pty Ltd</u>, 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.</p> <p>d. <u>Environmental Site Assessment - Phase 2 Detailed Site Contamination Assessment Report</u> prepared by DLA Environmental Services Pty Ltd, reference no.: DLH1121_H0068 dated September 2013.</p> <p>e. <u>Remediation Action Plan</u> - prepared by DLA Environmental Services Pty Ltd, reference no.: DLH1121_H00280, dated 1 December 2014.</p> <p>f. <u>Vegetation Management Plan</u> - prepared by Stuart Noble Associates Pty Ltd, dated 15 June 2015, Issue A.</p> <p>g. <u>Visual Impact Assessment</u>- prepared by Group GSA Pty Ltd, Revision D, dated 6 March 2015.</p> <p>h. <u>Stormwater Concept Plan</u>, prepared by Brown Consulting Pty Ltd, Reference no.: X13044, Issue C dated June 2014.</p>	The submitted specialist reports have considered these approved reports in their assessment of the proposal. Refer Rts report for further discussion.
3	General Plan Amendments and Construction Sequence	<p>The following conditions must be complied with in respect of the development:</p> <p>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 .</p> <p>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.</p> <p>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.</p> <p>d. The landscape plan shall be amended prior to the issue of a construction certificate to incorporate:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>f. The new bund, retaining wall and landscaping works along the southern boundary of proposed Lots 201 and 2G4 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.</p> <p>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.</p> <p>Note: Further conditions are provided below that specify requirements for each stage of the development in addition to the above requirements.</p>	<p>A) the pad level of the lot 201 warehouse is 86.5m</p> <p>B - G) The southern landscaped bund complies with the requirements of condition. As built drawings for this bund, confirming their delivery in accordance with DA 893.7/2013 is provided at Appendix M</p> <p>The submitted architectural, civil, and landscape plans reflect the required setbacks and as built southern landscape bund.</p>
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.	The southern landscaped bund complies with the requirements of condition 3(d) and (e) of the consent. As built drawings for this bund, confirming their delivery in accordance with DA 893.7/2013 is provided at Appendix M

No.	Title	Condition	Comment
5	Dedication of Roadway	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	No changes are proposed to the approved road refer to the submitted civil plans at Appendix E
6	Final Road Layout	<p>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).</p> <p>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.</p> <p>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.</p>	Subject to resolution of Stage 3 works which are outside the scope of this SSSA Proposal.
7	Landscaping	<p>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:</p> <p>a) <u>Establishment of Tree Protection Zones (TPZ)</u></p> <p>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).</p> <ul style="list-style-type: none"> • 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 bought 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. <p>b) <u>Engagement Level 5 Arboriculturist</u></p> <p>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. 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.</p> <p>c) <u>Written Confirmation- Satisfactory Establishment of Landscaping</u></p> <p>At the completion of the period of 2 years from the date of issue of Subdivision Certificate on the Stage --2- 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.</p> <p>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.</p> <p>d) <u>Arboricultural Documentation and Compliance</u></p> <p>The project arborist shall provide written certification that all tree protection measures and construction techniques relevant to this consent have</p>	The southern landscaped bund complies with the requirements of condition 3(d) and (e) of the consent. As built drawings for this bund, confirming their delivery in accordance with DA 893.7/2013 is provided at Appendix M

No.	Title	Condition	Comment												
8	Conservation Lot Report	<table border="1"> <tr> <td>Stage of arboricultural inspection</td> <td>Compliance documentation including photos shall be included</td> </tr> <tr> <td>Installation of tree protection fencing / devices</td> <td>Compliance with tree protection measures</td> </tr> <tr> <td>Ground preparation</td> <td>Condition of any exposed roots, etc.</td> </tr> <tr> <td>Construction of embankment and retaining walls</td> <td>Works not within Structural Root Zones. Measures to avoid excessive impacts in Tree Protection Zone.</td> </tr> <tr> <td>Installation of landscape</td> <td>Condition of three roots and soil</td> </tr> <tr> <td>Prior to the issue of a Subdivision Certificate</td> <td>Supervise the dismantling of tree protection measures</td> </tr> </table> <p>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.</p> <p>ii. The vegetation management plan that is required</p> <p>ii) 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.</p> <p>(c) During Construction works, the following shall be adhered to;</p> <p>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;</p> <p>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.</p> <p>4. Any removal of hollows should be under the supervision of a fauna ecologist so that residing fauna may be effectively recovered.</p> <p>(d) The boundary of the environmental conservation area (proposed Lot -296 306 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.</p> <p>(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.</p>	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 three roots and soil	Prior to the issue of a Subdivision Certificate	Supervise the dismantling of tree protection measures	<p>ore Group, drawing no. X13044.P-SEC 96_ 4, d 2C in accordance with the approved Sub- 2C, Sheets 1, 2 and 3 of 3, Revision 12, dated i Vegetation Management Plan te be rs Bushfire and Ecology.</p> <p>al Resources Unit: ert, prepared by Travers Bushfire and Ecology, ivalent to. 4. 50ha</p> <p>In accordance with DA893.7/2013, a positive covenant will be registered on title to ensure the ongoing management of the southern bund wall. Fairfield Council executed the plan of subdivision for DP 1244593 and accompanying 88B instrument on 18 August 2020 (Refer Appendix O). The subdivision certificate is currently with the Land Registrar Services for registration. The executed plan of subdivision confirms that all works have been delivered in accordance with the requirements of DA 893/2013, and that the required covenants will be registered on title.</p> <p>The ongoing management of the landscape bund will be undertaken by ESR in accordance with the approved Vegetation Management Plan (refer Appendix N).</p> <p>It is noted that two years has elapsed since practical completion of the landscaped bund wall, with the final monthly inspection undertaken on 13 July 2020. A compliance certificate has been issued for these works to this stage. The approved VMP stipulates that after this two year period, which has since elapsed, it is anticipated that the site will be in such condition as to be placed onto a low level maintenance weeding program. Programmed maintenance weeding should be undertaken indefinitely to maintain a maximum weed cover of 5%.</p>
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 three roots and soil														
Prior to the issue of a Subdivision Certificate	Supervise the dismantling of tree protection measures														

Stage Two Subdivision

The following Stage 2 conditions may be relevant for Stages 2A, -ami 28, 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

67	Landscape Plans Certified by Landscape Architect	<p>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.</p> <p>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:</p> <p>a. Existing trees (height and location);</p> <p>b. Trees to be removed;</p> <p>c. Deleted</p> <p>d. Proposed planting (quantity, species, and expected mature height);</p> <p>e. Proposed earth mounding;</p> <p>f. Paths and paving (location and materials);</p> <p>g. The method of planting and the proposed maintenance program; and</p> <p>h. Details of lighting, fencing and paving, where relevant.</p> <p>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.</p> <p>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.</p> <p>All future development within the approved Stage 2 subdivision development shall remain consistent with the landscape plan required by this condition.</p>	<p>The southern landscaped bund complies with the requirements of condition 3(d) and (e) of the consent. As built drawings for this bund, confirming their delivery in accordance with DA 893.7/2013 is provided at Appendix M</p>
----	--	---	--

No.	Title	Condition	Comment
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			
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).	No amendment to the approved road network is proposed as part of the SSDA.
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 .,2 2A and 28, 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.	Work as executed drawings are provided at Appendix M. The estimated completion of works associated stage 2 is detailed in Table 4 of the RtS report.
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.	The submitted civil plans are consistent with this requirement (refer Appendix E)
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.	Fairfield Council executed the plan of subdivision for DP 1244593 and accompanying 88B instrument on 18 August 2020 (Refer Appendix O). The subdivision certificate is currently with the Land Registrar Services for registration.
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			
106	Road Splay	Road splays shall be located on the tangent points of the extension of Road 1 in Stages 2A and 28 of proposed lot 202.	The submitted civil plans are consistent with this requirement Appendix E
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 .2&4 202 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.	This will be maintained in accordance with the approved VMP which includes a Positive Covenant on the Fairfield Council executed Subdivision Certificate. The subdivision certificate is currently with the Land Registrar Services for registration.
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 o.f 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.	The southern landscaped bund complies with the requirements of condition 3(d) and (e) of the consent. As built drawings for this bund, confirming their delivery in accordance with DA 893.7/2013 is provided at Appendix M. This will be maintained in accordance with the approved VMP which includes a Positive Covenant on the Fairfield Council executed Subdivision Certificate. The subdivision certificate is currently with the Land Registrar Services for registration.
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 <i>Site Environmental Management Plan</i> (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 of 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.	Remediation works in accordance with the approved RAP are currently being undertaken. The anticipated date of issue of the Site Audit statement for Stage 2A, 2B and 2C is provided at Table 1 and is summarised as follows: Stage 2A: Lots 201 and 204 – expected issue of Site Audit Statement: 30/11/2020 Stage 2B: Lot 203 – expected issue of Site Audit Statement: 11/1/2021 Stage 2C: Lot 202 – expected issue of Site Audit Statement: 22/11/2021

No.	Title	Condition	Comment
116	Notice of Completion of Remediation Work	<p>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.</p> <p>The Notice shall also:</p> <ol style="list-style-type: none"> Provide the person's name, address and business telephone number; Provide details of the person's qualifications to carry out the work; Specify, by reference to its property description and street address, the land on which the work was carried out; Provide a map of the location of the land; State when the work was completed; 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; Specify the uses of the land immediately before the work started; Briefly describe the method of remediation used in the work; Specify the guidelines that were complied within the work; Specify the standard of remediation achieved (in the light of the use proposed for the land); Show in what manner the work (if a category 1 remediation work) complied with the conditions of the relevant development consent; and State what action must be maintained in relation to the land after the completion of the remediation achieved is to be maintained. <p>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.</p>	<p>Remediation works in accordance with the approved RAP are currently being undertaken. The anticipated date of issue of the Site Audit statement for Stage 2A, 2B and 2C is provided at Table 1 and is summarised as follows:</p> <p>Stage 2A: Lots 201 and 204 – expected issue of Site Audit Statement: 30/11/2020</p> <p>Stage 2B: Lot 203 – expected issue of Site Audit Statement: 11/1/2021</p> <p>Stage 2C: Lot 202 – expected issue of Site Audit Statement: 22/11/2021</p>
117	Validation Report	<p>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.</p> <p>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.</p> <p>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.</p>	<p>Remediation works in accordance with the approved RAP are currently being undertaken. The anticipated date of issue of the Site Audit statement for Stage 2A, 2B and 2C is provided at Table 1 and is summarised as follows:</p> <p>Stage 2A: Lots 201 and 204 – expected issue of Site Audit Statement: 30/11/2020</p> <p>Stage 2B: Lot 203 – expected issue of Site Audit Statement: 11/1/2021</p> <p>Stage 2C: Lot 202 – expected issue of Site Audit Statement: 22/11/2021</p>
121 (A)	Positive Covenant - Landscape Embankment and Retaining System Maintenance on the Southern Boundary	<p>Positive Covenant shall be created over proposed lots 201 and ~ 202 in the following terms;</p> <p>(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.</p> <p>(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.</p> <p>Structure and works shall mean the embankment or retaining system and any storm water drainage system associated with that work constructed on the land.</p> <p>Name of Authority having the power to release vary or modify the Positive Covenant shall be Fairfield City Council.</p>	<p>In accordance with DA893.7/2013, a positive covenant will be registered on title to ensure the ongoing management of the southern bund wall. Fairfield Council executed the plan of subdivision for DP 1244593 and accompanying 88B instrument on 18 August 2020 (Refer Appendix O). The subdivision certificate is currently with the Land Registrar Services for registration</p>
121 (B)	Restriction on the Use of Land on Proposed Lot 201	<p>A 'Restriction on the Use of Land' shall be imposed on proposed Lot 201 restricting the future building pad level to 86.5m AHD.</p>	<p>The finished pad levels are in accordance with the Subdivision DA 893.7/2013. A positive covenant to restrict these pad levels is included in the Fairfield City Council Executed Plan of Subdivision and Section 88B with Fairfield City Council (refer Appendix O). The subdivision certificate is currently with the Land Registrar Services for registration.</p>
122	Landfill- Proposed Lot i&4 203 of Sub Stage 2A	<p><u>Positive Covenant</u> 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.</p> <p><u>Restriction on Use</u> 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.</p> <p>Name of Authority having the power to release vary or modify the Positive Covenant and Restriction on Use shall be Fairfield City Council.</p>	<p>The finished pad levels are in accordance with the Subdivision DA 893.7/2013. A positive covenant to restrict these pad levels is included in the Fairfield City Council Executed Plan of Subdivision and Section 88B with Fairfield City Council (refer Appendix O). The subdivision certificate is currently with the Land Registrar Services for registration.</p>