

## **ATTACHMENT 1 – CONDITIONS OF APPROVAL**

Council has imposed the following conditions under the relevant planning instruments and policies

### **A. THE DEVELOPMENT**

#### **Approved Plans**

1. Development must be carried out in accordance with the following approved plans/reports as follows, except where modified by the undermentioned conditions:

| <b>Plan Name</b>                       | <b>Plan Number</b>     | <b>Date</b> | <b>Revision</b> | <b>Prepared by</b> |
|--|------------------------|-------------|-----------------|--------------------|
| Site Plan                              | 1819-100 sheet No PL07 | 20/04/2020  | B               | Rothshire          |
| Stormwater Plan                        | 1819-100 sheet No PL10 | 20/04/2020  | B               | Rothshire          |
| Soil Erosion and Sediment Control Plan | 1819-100 sheet No PL11 | 20/04/2020  | B               | Rothshire          |
| Demolition Plan                        | 1819-100 sheet No PL05 | 20/04/2020  | B               | Rothshire          |
| Waste Management Plan                  | -                      | 28/05/2020  | -               | Rothshire          |

#### **Building Information Certificate**

2. A Building Information Certificate issued under Division 6.7 of the Environmental Planning and Assessment Act 1979 shall be provided to Council within sixty (60) days of the date of this consent for the works carried out without authorisation being the subject of this approval.

#### **Comply with EP&A Act**

3. The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000 must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

#### **Council Infrastructure**

4. The full cost associated with the relocation or rectification of any council infrastructure as a result of the development shall be borne by the applicant.

#### **General Site Works**

5. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

All roof water is to be connected to the approved stormwater system (See Conditions 6 and 7).

### **B. PRIOR TO WORKS COMMENCING**

### **Stormwater Concept Plan**

6. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (Rothshire), reference number (1819-100 PL 10), revision (B), dated (20/04/2020).
7. Prior to the commencement of works, engineering plans shall be supplied to Council for review and approval that demonstrate:
  - a) A stormwater drainage system that ensures stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.
  - b) The method of disposal of all stormwater runoff relating to the continued use of the existing farm shed and during demolition works.
8. The Principal Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

### **Demolition Requirements**

9. A Soil Erosion and Sediment Control Plan shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (Rothshire), reference number (1819-100 PL 11), revision (B), dated (20/04/2020) during demolition works.
10. Demolition works shall be carried out in accordance with the following:
  - a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,
  - b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
  - c) The handling or removal of any asbestos product from the building/site must be carried out by an NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

### **C. CONDITIONS RELATING TO USE**

The following conditions relate to the ongoing use of the premises.

## **Use of Structure**

11. The shed shall not be used for or in conjunction with any commercial activity without the prior approval of council.
12. The shed shall not be used or converted for use for residential purposes without the prior consent of council.

## **Environment**

13. The use of the premises shall not give rise to the emission of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.

## **D. ADVISORY**

- a) Section 8.2, 8.3, 8.4 & 8.5 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) In accordance with Section 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- g) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.

## **“DIAL BEFORE YOU DIG”**

- h) Underground assets may exist in the area that is subject to your application. In the interest 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](http://www.1100.com.au) or telephone 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 contact 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. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

- i) 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 (Cth) 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's Network Integrity Team on Phone Number 1800 810 443.
- j) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage
- k) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant