

## ATTACHMENT NO. 1 — CONDITIONS OF APPROVAL

**Note: Please note that the attached draft conditions have been forwarded to the applicant for perusal. Any comments made by the applicant in relation to these conditions will be tabled at the JRPP determination meeting of 07 March 2013.**

Our Ref: DA-968/2012  
Contact: Venetin Aghostin  
Ph: 9821 9357  
Date: XX XXXXX 2013

COSTCO WHOLESALE AUSTRALIA  
82 WATERLOO ROAD  
NORTH RYDE NSW 2113

### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

#### NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Being the applicant in respect of Development Application No. DA-968/2012 and pursuant to Section 81 (1) (a) of the Act, Notice is hereby given of the determination by Liverpool Council as Consent Authority of the above described Development Application relating to:

- APPLICANT:** Costco Wholesale Australia
- OWNERS:** AMP Crossroads Pty Ltd
- LAND:** Lot 200 DP 1090110 Beech Road, Casula
- PROPOSED DEVELOPMENT:** Construction of a building for the purpose of a Costco development, consisting of a mix of uses including retail, business, vehicle repair station and a Costco service station; installation of business identification signs; construction of on-site car parking; associated landscaping and site works; and public road works and intersection improvements (the development is Nominated Integrated under the Water Management Act 2000 requiring approval from NSW Office Of Water)
- DETERMINATION:** Approved/Deferred/Refused by the Joint Regional Planning Panel on 07 March 2013
- CONSENT TO OPERATE FROM:** XX XXXXX 2013
- CONSENT TO LAPSE ON:** XX XXXXX 2018 (unless physically commenced)
- ATTACHMENTS:**
1. Conditions of Approval
  2. General Terms of Approval issued by NSW Office of Water
  3. Food Premises Requirements

## A. THE DEVELOPMENT

### Approved Plans

1. Development the subject of this determination notice must be carried out in accordance with Development Application No. DA-968/2012 lodged on 13 April 2012 and accompanying plans and reports listed below and stamped DA-968/2012, except where modified by the undermentioned conditions and as may be marked in red:

#### (a) Architectural Plans:

DESCRIPTION	DRAWING NO.	ISSUE	DATE	SHEET NO.	PREPARED BY
Cover Page	11-286 A0001	D	14/12/2012	N/A	Group GSA
Site Plan	11-286 A1101	R	14/12/2012	N/A	Group GSA
Floor Plan and Gross Floor Areas	11-286 A1108	A	14/12/2012	N/A	Group GSA
Overall Elevations Sheet 1 (North, South and Main Entry Elevations)	11-286 A3001	F	14/12/2012	N/A	Group GSA
Overall Elevations Sheet 2 (East and West Elevations)	11-286 A3002	E	14/12/2012	N/A	Group GSA
Overall Sections	11-286 A3101	C	14/12/2012	N/A	Group GSA
Floor Plan	11-286 1107	B	22/02/2012	N/A	Group GSA
Roof Plan	11-286 A2002	E	14/14/2012	N/A	Group GSA
Petrol Plan, Elevations & Signage	11-286 P2000	C	14/12/12	N/A	Group GSA

#### (b) Landscape Plans:

DESCRIPTION	DRAWING NO.	ISSUE	DATE	SHEET NO.	PREPARED BY
Landscape General Arrangement Plan	L1200	B	14/12/2012	N/A	Group GSA
Landscape Details	L-1201	B	14/12/2012	N/A	Group GSA

#### (c) Concept Engineering and Civil Works Plans:

DESCRIPTION	DRAWING NO.	ISSUE	DATE	SHEET NO.	PREPARED BY
General Arrangement Plan	286685SCDAC 01	C	18/12/2012	1 of 10	Mott MacDonald
Concept Site Works Plan 1 of 4	286685SCDAC 02	C	18/12/2012	2 of 10	Mott MacDonald
Concept Site Works Plan 2 of 4	286685SCDAC 03	C	18/12/2012	3 of 10	Mott MacDonald

Concept Site Works Plan 3 of 4	286685SCDAC 04	C	18/12/2012	4 of 10	Mott MacDonald
Concept Site Works Plan 4 of 4	286685SCDAC 05	C	18/12/2012	5 of 10	Mott MacDonald
Concept Soil and Water Management Control Concept Plan, Notes and Details	286685SCDAC 06	C	18/12/2012	6 of 10	Mott MacDonald
Concept Vehicle Manoeuvring Plan	286685SCDAC 07	C	18/12/2012	7 of 10	Mott MacDonald
Concept Site Works Sections	286685SCDAC 08	C	18/12/2012	8 of 10	Mott MacDonald
Concept Cut and Fill Plan	286685SCDAC 09	A	18/12/2012	9 of 10	Mott MacDonald
Concept Linemarking and Signage Plan	286685SCDAC 10	A	18/12/2012	10 of 10	Mott MacDonald

**(d) Reports:**

DESCRIPTION	PREPARED BY	DATE	REFERENCE NO.
Bushfire Protection Assessment	Eco Logical Australia	24/02/2012	11GOSBUS-0204
Environmental Site Assessment	JBS Environmental	--/01/2011	JBS41364-16284
Geotechnical Investigation Report	Geo-Environmental Engineering	23/12/2010	G10079CAS-R01F
Preliminary Hazard Analysis	JBS Environmental	--/01/2012	JBS 42001-19151 (Rev 0)
Waste Management Plan	WASTECH Engineering	08/03/2012	N/A
Noise Impact Assessment	Acoustic Logic	22/01/2013	20130027.1

**General Terms of Approval**

- All General Terms of Approval issued by the NSW Office of Water shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 29 May 2012. A copy of the General Terms of Approval is attached to this decision notice (see Attachment No. 2).

## **B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions are to be complied with prior to issue of a Construction Certificate by the Principal Certifying Authority:**

### **Provision of Services**

3. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act, 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 13 20 92.

Following receipt of the application, a ‘Notice of Requirements’ will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the ‘Notice of Requirements’ must be submitted to the Principal Certifying Authority.

4. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the Principal Certifying Authority.
5. Certification from an approved telecommunications carrier shall be submitted to Council confirming that satisfactory arrangements have been made to ensure the provision of underground telephone services to the approved development.

### **Site Development Work**

6. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a Construction Certificate has been issued.
7. All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
  - (a) Complying with the Deemed to Satisfy Provisions; or
  - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

### **Notification**

8. The certifying authority must advise Council, in writing of:
  - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
  - (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

## **Fire Safety Measures**

9. A schedule specifying all of the essential fire safety services proposed, which are required for the building, shall be attached to the Construction Certificate and submitted to Council, in compliance with the provisions of the Environmental Planning and Assessment Regulation.

## **Security for Cost of Damage and Completion of Public Work**

10. Prior to issue of a Construction Certificate authorising the carrying out of any work in accordance with this development consent, the applicant must provide security to the Council for the payment of the cost of the following:
  - (a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
  - (b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,
  - (c) remedying any defects in any such public work that arise within 6 months after the work is completed.

The security is to be for an amount that is the greater of \$5000 or 5% of the estimated cost of carrying out the development and may be provided by way of:

- (a) cash deposit with the Council, or
- (b) an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred above and on application being made to the Council by the person who provided the security, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the security within 6 years of the date of issue of the subdivision certificate for the development the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act, 1995.

## **Dilapidation Report**

11. A dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to Council.

## **Driveway/Services**

12. All driveways are to be graded in such a manner as to provide continuous surface drainage flow paths to appropriate points of discharge. In this context, these are to be into roads or swales, as appropriate, connecting into the major trunk drainage system.
13. Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.
14. Driveways are to conform to Council standard requirements for vehicle crossings as detailed in Council's Design and Construction Specifications for Subdivisions (as amended) and as per the requirements in Council's Liverpool Development.

## **Fee Payments**

15. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- (a) Fee associated with Application for Permit to Carry out Work within a Road.
- (b) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

## **Permit to Carry out Works**

16. A separate application for a permit to carry out works must be issued by Council for:
- (a) A permit to carry out works in Council's drainage reserve, pursuant to Section 68 of the Local Government Act, 1993. The work in the drainage reserve requiring a Council Section 68 permit are the works in Maxwells Creek,
  - (b) A Permit to carry out works in Council's road reserve, pursuant to Section 138 of the Roads Act, 1993. The work in the existing road reserve requiring a Council Section 138 permit are works in Beech Road and Parkers Farm Place.

## **Drainage**

17. Engineering plans will be required defining all physical works necessary on the site and adjacent to it. These plans are to be certified by Council or an accredited certifier.
- (a) These plans must satisfy the following requirements:
    - (i) Council's current Design and Construction specification for subdivisions (as amended), and supplementary code,
    - (ii) Council's Trunk Drainage Scheme,
    - (iii) Council's Development Control Plans,
    - (iv) All proposed road and drainage works must adequately match existing infrastructure.

## **Stormwater**

18. Stormwater is to be collected within the site and conveyed in a pipeline to the appropriate point of discharge as directed by Council and as detailed on the approved plans.
19. A stormwater drainage plan, including hydraulic calculations based on a 1 in 5 year storm (Annual Recurrence Interval), is required. The plan must show how the stormwater generated by this site, and other inter-allotment overland flow water entering onto this site, is to be collected within the site and conveyed in a suitable pipeline to the most appropriate point of discharge as advised by Council.

This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.

The applicant is to contact Council to determine maximum allowable discharge from site. (Council engineers to nominate maximum discharge flow from site). If drainage investigations reveal that downstream drainage pipes are not capable of catering for the discharge, then Council requires the design and construction of an on-site detention system. This is to be designed in accordance with Council's On Site Detention Policy

### **Sydney Water Consent**

20. Written consent must be provided from Sydney Water consenting to the proposed works over the existing easement for water supply. A copy of this consent must be forwarded to Council.
21. The proposed runoff from the under canopy area in the service station must be kept separate from the stormwater system and disposed of to Sydney Water's requirements.

### **Erosion and Sediment Control**

22. Erosion and sediment control measures shall be designed in accordance with the requirements of Liverpool Development Control Plan and Council specifications, and to the satisfaction of the Principal Certifying Authority. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the Principal Certifying Authority.

### **Water Sensitive Urban Design Features**

23. The applicant is to provide water sensitive urban design features in the Construction Certificate plans. The design is to give consideration to fine particle and nutrient treatment measures and maintenance regimes for all water quality devices. This element of the design must be endorsed by Liverpool City Council.

The provision of the enviropods is an interim provision, needed to satisfy water quality control requirements. It is to be provided up to and including the time when the system of Council's gross pollutant control measures are implemented. The applicant is to maintain the enviropods until this time. This condition may be considered redundant if sufficient of Council's trunk drainage system is constructed.

In order to determine if this situation exists, the applicant is to make written application to Council's Manager Land Development and obtain written advice from that officer. Stormwater quality treatment devices incorporating water sensitive urban design principles shall be provided for the development. The Principal Certifying Authority shall not endorse the devices unless all devices are approved for use in the Council area.

### **Camden Valley Way and Beech Road Improvements**

24. A concept design of the proposed extension of the existing eastbound right-turn lane providing dual right-turn lanes at the intersection of Camden Valley Way and Beech Road shall be carried out in accordance with Austroads, NSW Roads and Maritime Services supplements, NSW Roads and Maritime Services Traffic Signal Design Manual and other Australian Standards. The concept design shall be submitted the Roads and Maritime Services for approval.

The design shall provide a minimum of two right-turn lanes with 110 metres storage length and appropriate taper. Additionally, the design is to include a layout for line marking to

lengthen the existing westbound left-turn lane into Beech Road, as much as possible. The design shall be endorsed by a suitably qualified practitioner.

The certified copies of the traffic signal design, civil design plans and swept path analysis shall be submitted to the NSW Roads and Maritime Services for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and prior to commencement of any road works.

The developer will be required to enter into a Works Authorisation Deed for the abovementioned traffic signals and civil works with the Roads and Maritime Services. The Works Authorisation Deed will need to be executed prior to Roads and Maritime Services assessment of the detailed traffic signal design plans. The Construction Certificate shall not be released by the Principal Certifying Authority until such time as the Works Authorisation Deed has been executed.

The Roads and Maritime Services fees for administration, plan checking, signal works inspection and project management shall be paid by the developer prior to the commencement of works.

### **Beech Road and Parkers Farm Place Improvements**

25. A detailed design of pedestrian facilities including pedestrian refuges along the section of Beech Road and Parkers Farm Place fronting the development site shall be prepared. The design of the facilities shall be submitted to Council's Local Traffic Committee for approval prior to installation. The facilities are to be completed prior to the issue of an Occupation Certificate.
26. A detailed layout plan shall be prepared showing line marking and signage along the sections of Beech Road and Parkers Farm Place adjacent to the proposed driveways, to ensure safe turning movements into and out of the proposed driveways. The proposed treatments are to incorporate parking restrictions along these sections of Parkers Farm Place and Beech Road fronting the development site. The plan shall be submitted to Council Traffic and Transport Section for approval.

Details of the treatments are to be provided to Council prior to the issue of a Construction Certificate. If parking restrictions are required they shall be submitted to Council for the Local Traffic Committee's approval and shall be completed prior to the issue of the Occupation Certificate.

### **Construction Management Plan**

27. A Construction Traffic Management Plan to ensure that impact on traffic flow in the existing street network is minimised, detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval. The plan shall be prepared by a suitable qualified person.

### **Traffic Management Plan**

28. A Traffic Management Plan shall be submitted to Council's Local Traffic Committee for approval. Works within the road reserve shall not commence until the plan has been approved.



29. The Traffic Management Plan shall be prepared by an accredited designer and submitted to and stamp-approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamp-approved Roads Act Permit is to be obtained by the Principal Certifying Authority. A copy of the stamped approved Roads Act Permit and Traffic Management Plan is to be available on the works site for inspection at any time by an authorised Council officer.
30. Details of the proposed variable message signage shall be submitted to the NSW Roads and Maritime Services for review.

### **Environmental Management Plan**

31. An Environmental Management Plan shall be developed and submitted to the Principal Certifying Authority for approval. The plan shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The plan shall include but not be necessarily limited to the following measures:
  - (a) Measures to control noise emissions from the site;
  - (b) Measures to suppress odours and dust emissions;
  - (c) Selection of traffic routes to minimise residential noise intrusions;
  - (d) Soil and sediment control measures;
  - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
  - (f) Community consultation.

## **C. PRIOR TO WORKS COMMENCING**

**The following conditions are to be complied with or addressed prior to works commencing on the subject site:**

### **Construction Certificates**

32. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a Construction Certificate, in accordance with Section 81A of the Environmental Planning and Assessment Act, and a copy registered with Council.
33. Detailed engineering plans and specifications relating to the work shall be endorsed with a Construction Certificate, in accordance with Section 81A of the Environmental Planning and Assessment Act, and a copy submitted to Council, with payment of any relevant fees.
34. Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.
35. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e., a separate Civil Engineering Construction Certificate and a separate Building Construction Certificate.

### **Notification/Principal Certifying Authority**

36. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Environmental Planning and Assessment Act.
37. The Principal Certifying Authority must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.

#### **Facilities**

38. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
  - (a) be a standard flushing toilet connected to a public sewer, or
  - (b) have an on-site effluent disposal system approved under the Local Government Act, 1993, or
  - (c) be a temporary chemical closet approved under the Local Government Act, 1993.

#### **Construction Requirements**

39. The applicant/builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.
40. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

#### **Site Facilities**

41. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

#### **Site Notice Board**

42. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
  - (a) The name, address and telephone number of the Principal Certifying Authority for the work; and
  - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - (c) Unauthorised entry to the premises is prohibited.

#### **Notification of Service Providers**

43. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please telephone 13 20 92 or refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick check agents details – see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and Developing then Building and Renovating

### **Asbestos Removal**

44. Prior to construction the land must be investigated for the presence of asbestos. All asbestos must be removed and disposed of in accordance with all regulatory requirements, including those of WorkCover NSW and the Environment Protection Authority.

### **Waste Management Plan**

45. A Waste Management Plan shall be submitted to the Principal Certifying Authority which is to be adhered to at all times throughout all stages of construction. Supporting documentation (receipts/dockets) of waste, recycling and disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

### **Waste Classification**

46. 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 Environment Operations Act and NSW Department of Environment, Climate Change and Water (Environment Protection Authority) 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The Protection of Environment Operations Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non-liquid waste advice should be sought from the Department of Environment, Climate Change and Water.

### **Camden Valley Way and Beech Road Improvements**

47. The certified copies of the traffic signal design, civil design plans and swept path analysis shall be submitted to the NSW Roads and Maritime Services for consideration and approval prior to commencement of any road works.
48. A duly executed Works Authorisation Deed with the Roads and Maritime Services. The Roads and Maritime Services fees for administration, plan checking, signal works inspection and project management shall be paid by the developer prior to the commencement of works.

### **Beech Road and Parkers Farm Place Improvements**

49. A design of the proposed pedestrian facilities including pedestrian refuges fronting the development site approved by Council's Local Traffic Committee. The facilities are to be completed prior to the issue of an Occupation Certificate.

#### **Works Within Adjoining Public Lands**

50. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.

### **D. DURING CONSTRUCTION**

**The following conditions are to be complied with during construction:**

#### **Building Work**

51. In the case of a class 5, 6, 7, 8 or 9 building, critical stage inspections must be carried out by the appropriate person in accordance with Environmental Planning and Assessment Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the Principal Certifying Authority. The following components of construction are relevant:
- (a) after excavation for, and before the placement of, any footings, and
  - (b) prior to covering any stormwater drainage connections; and
  - (c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: These certificates or documentary evidence must be submitted to Council with any OC issued for the development

#### **Identification Survey Report**

52. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the Principal Certifying Authority has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

#### **Hours of Construction Work and Deliveries**

53. Construction work and civil work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 5:00pm Monday to Saturday. No work will be permitted on Sundays or Public Holidays, unless extended construction hours are approved by Council

in writing after the submission of a Construction and Noise Management Plan to Council, which details the methods of construction, proposed hours etc.

### **Security Fence**

54. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

### **Disabled Access**

55. Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of the National Construction Code.

### **Fill to be Virgin Excavated Natural Material**

56. All fill introduced to the site should be Virgin Excavated Natural Material, as defined by the NSW Department of Environment, Climate Change and Water. Any fill involving material other than Virgin Excavated Natural Material is subject to referral to the State Government as potential Integrated Development or contaminated land assessment.
57. All filling in the vicinity of native vegetation must be local material (in order to minimise the spread of weeds).

### **Ventilation**

58. The premises shall be ventilated in accordance with the requirements of the Building Code of Australia (if using deemed to satisfy provisions: Australian Standard 1668, Parts 1 & 2)
59. The design, construction, installation and commissioning of the mechanical ventilation systems serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

### **General Site Works**

60. 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.
61. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
62. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
63. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

### **Dangerous and/or Hazardous Material Removal**

64. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with NSW Department of Environment, Climate Change and Water (Environment Protection Authority) requirements.

### **Site Remediation Works**

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

### **Erosion Control**

66. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
67. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
68. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

### **Water Quality**

69. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

### **Pollution Control**

70. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

### **Adjustments to Utilities**

71. The developer shall be responsible for all public utility adjustments and relocation works necessitated by the proposed work and as required by the various public utility authorities and/or their agents.

### **Works and/or Regulatory Signposting**

72. All works and/or regulatory signposting associated with the proposed development are to be at no cost to the NSW Roads and Maritime Services or to Council.

### **Car Parking Areas**

73. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of car parking areas shall be in accordance with Australian Standard 2890.1-2004, Australian Standard 2890.2 – 2002 for heavy vehicle usage and Australian Standard 2890.6:2009 for disability; and the Liverpool Development Control Plan, 2008.
74. All car parking areas shall be appropriately line-marked and sign posted in accordance with the approved plans. All customer and staff parking areas are to be clearly signposted limiting car parking for customers and staff only. The applicant is to cover the costs of installation and maintenance of the signage.
75. Directional signage indicating the location of customer parking, “in” and “out” crossings and directional arrows are to be provided in accordance with the approved plans.

### **Traffic Management**

76. All works within the road reserve are to be at the developer's cost and all signage is to be in accordance with the NSW Roads and Maritime Services Traffic Control at Worksites Manual and the NSW Roads and Maritime Services Interim Guide to Signs and Markings.
77. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and include the applicable fee. If parking restrictions are in place, an application to have the restrictions moved will need to be made.
78. Notice must be given to Council's Traffic and Transport Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
79. Applications must be made to Council's Traffic and Transport Section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

### **NSW Rural Fire Service Requirements**

80. The following requirements issued by the NSW Rural Fire Service shall be complied with prior, during, and at the completion of construction:

#### **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following condition applies:

- (i) At the commencement of building works and in perpetuity the entire property shall be managed as an Inner Protection Area as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following condition applies:

- (ii) Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- (iii) New construction on the northern, eastern and southern elevations of the proposed warehouse shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard 3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- (iv) New construction on the western elevation of the proposed warehouse shall comply with Sections 3 and 6 (BAL 19) Australian Standard 3959-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

### **Landscaping**

- (v) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

### **Existing Trees and Vegetation**

- 81. No trees are to be removed without the prior approval of Council.
- 82. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.

### **Landscaping Works**

- 83. Trees shall be healthy, well-formed and fully established (not pot bound) in minimum 75 litre and 100 litre pots as per the approved Landscape Plan.

Trees shall not be planted within 2000mm from a driveway, 1000mm from underground services or 6000mm from an intersecting side street. Trees shall be staked, tied and mulched to Council's satisfaction.

It is the contractor's responsibility to establish the location of underground services before digging.

Trees and shrubs shall be maintained in a healthy condition or are to be replaced if serious decline or damage occurs.

### **Relics and Objects**



84. Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the Environment Protection Authority is to be informed in accordance with the National Parks and Wildlife Act, 1974. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under the National Parks and Wildlife Act, 1974 may be required before work resumes.

#### **Food Premises Requirements**

85. The construction, fitout and finishes of the premises shall comply with the Australian Standard 4674, Food Act, 2003 and Regulations thereunder, and the requirements of (Attachment No. 3).

#### **Graffiti**

86. A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway etc.

### **E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

**The following conditions are to be complied with prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:**

#### **Certificates**

87. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying Authority. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Council.
88. The Principal Certifying Authority shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.
89. All required Compliances Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.
90. A final fire or interim safety certificate is to be attached to any Occupation Certificate, except in the case of a Class 1a or Class 10 building. This must include all the "essential fire services" installed in the building.
91. A Section 73 Compliance Certificate under the Sydney Water Act, 1994 must be submitted to the Principal Certifying Authority.

#### **Footpath Paving and Road Works**

92. The applicant shall arrange for the construction of a 1.2 metre wide by 75mm deep concrete footpath paving together with associated turfing adjustments along the full frontage of the site in Council's road pedestrian way. The construction shall only be carried out to plans and specifications approved by Council and via Roads Act Permit to Carry Out Works. This footpath construction shall be completed (or bonded by agreement with Council) prior to the issue of the Occupation Certificate by the Principal Certifying Authority for building works.

### **Work As Executed Plan**

93. Two copies, both marked up in red, of a "Work As Executed Plan", prepared by a registered surveyor, must be submitted to and approved by Council clearly showing all aspects of the constructed Drainage and/or On-site Detention systems. The plan must include:
- (a) Sufficient levels and dimensions to verify the constructed storage volumes
  - (b) Location and surface levels of all pits.
  - (c) Invert levels of the internal drainage line, orifice plates fitted and levels within the outlet control pit.
  - (d) Finished floor levels of all structures and driveways
  - (e) Verification that trash screens and/or gross pollutant traps have been installed
  - (f) Locations and levels of any overland flow paths
  - (g) The work-as-executed plan information should be shown on a stamped copy of the approved civil works drawings.

### **Gross Pollutant Trap**

94. A maintenance schedule shall be submitted to Council for the Gross Pollutant Trap and the grease and oil separator unit.

### **Camden Valley Way and Beech Road Improvements**

95. Dual right-turn lanes with a minimum of 110 metres storage length with appropriate taper shall be provided on the Camden Valley Way west approach at its intersection with Beech Road, to the NSW Roads and Maritime Services satisfaction. Additionally, the existing left-turn into Beech Road shall be reline marked to lengthen the existing lane as much as possible. These works shall be constructed at full cost to the developer.

### **Beech Road and Parkers Farm Place Improvements**

96. Pedestrian facilities including pedestrian refuges fronting the development section approved by Council's Local Traffic Committee shall be installed, to Council's satisfaction.
97. Parking restrictions along the site's frontages to Beech Road and Parkers Farm Place approved by Council's Local Traffic Committee shall be completed.

### **Car Parking Provision**

98. A total of seven-hundred-and-one (701) off-street car parking spaces must be provided. Fifteen (15) of these spaces must be designed and signposted/marked for the specific use of persons with a disability.

### **Traffic Management Plan**

99. A Traffic Management Plan shall be prepared and implemented for the first three (3) months of the opening of Costco to minimise the traffic impact on the external street network. The plan shall be submitted to Council and the NSW Roads and Maritime Services for approval prior to implementation.
100. A Traffic Management Plan shall also be prepared for internal site traffic management which is to be implemented all times while Costco remains in operation. The plan shall be submitted to Council for approval prior the issue of the Occupation Certificate.

The plan shall include the following:

- (i) Options to address possible traffic queues into the service station from Parkers Farm Place;
- (ii) Line-marking and signposting of the section of Parkers Farm Place between Beech Road and the two driveways to provide two traffic lanes. The signs shall include “No Parking” restrictions between Beech Road and the main driveway (off Parkers Farm Place). This would enable through traffic to bypass traffic waiting to turn into the service station;
- (iii) The eastern driveway to the service station to be line-marked “Entry Only”;
- (iv) Internal layout is to demarcate the path of the longest vehicle required to service the development. The longest vehicle should be able to enter and leave the development in a forward direction;
- (v) A plan of intended locations for directional signs coinciding with the vehicle circulation plan;
- (vi) Identify appropriate landscaping and traffic calming devices (such as speed humps) to minimise the potential for motorists to speed within the car park.

### **Vehicle Manoeuvring Areas**

101. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with Australian Standard 2890.1-2004, Australian Standard 2890.2 – 2002 for heavy vehicle usage and Australian Standard 2890.6:2009 for disability.

### **Workplace Travel Plan**

102. A work place travel plan shall be submitted for Council’s review and implemented at full cost to the developer.

### **Landscaping**

103. Upon completion of the approved landscape works associated with the development and prior to the issue of any Occupation Certificate, an Implementation Report is to be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

### **Display of Street Numbers**

104. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials. The number should be a minimum height of 120mm and be visible at night.

### **Consultation with Liquor Licensing Authority**

105. The applicant/operator shall consult with the NSW Office of Liquor Gaming and Racing for any licensing requirements in relation to the retail sale of liquor. Written evidence of consultations should be submitted to the Principal Certifying Authority.

### **Food Premises Requirements**

106. Council's Health and Building section shall be notified in writing that the premises will be used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's database.
107. Trading shall not commence until an Occupation Certificate has been issued by the Principal Certifying Authority.
108. A Trade Waste application shall be submitted and approved by the Sydney Water Corporation regarding the installation of proposed pre-treatment equipment, such as basket and grease arrestors. A copy of the plumber's certificate of compliance for the installation of pre-treatment equipment, and of the Trade Waste Agreement, shall be furnished to the Principal Certifying Authority.
109. Certificates of design compliance and system performance for the proposed mechanical ventilation system shall be provided to the Principal Certifying Authority, certifying the design, and upon commissioning of the mechanical ventilation systems, certifying performance. The certificate of performance shall be issued to the certifying authority and be accompanied by details of the test carried out in respect of: -
- (a) Ventilation
  - (b) Acoustics
110. Prior to the commencement of food handling operations, the food business proprietor shall notify the NSW Food Authority of the following information including:
- (a) Contact details for the food business including the name of the food business and the name and address of the proprietor of the business;
  - (b) The nature of the food business; and
  - (c) The location of all food premises of the food business within the jurisdiction of NSW Food Authority.
- You may notify the NSW Food Authority via the Internet on [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or mail the required notification form.
- Failure to notify the NSW Food Authority may result in the issuing of a penalty infringement notice of up to \$880.00.
111. A Hygiene Management Plan prepared by the proprietor shall be submitted to Council for assessment prior to the commencement of any trading activities. Once approved, the standards of this Hygiene Management Plan must be followed at all times.

#### **Tyre Repairs and Sales Centre Requirements**

112. Details of the exact name, quantity, location, method of storage and packaging of any material covered by relevant Acts, shall be submitted to the NSW WorkCover Authority, and approval of those details obtained.
113. All waste water, chemicals, solvents, oils, fluids or the like shall not be discharged into Council's stormwater drain or creeks. A trade waste contract shall be obtained by Sydney Water. All liquid waste shall be discharged into the sewer in accordance with Sydney Water requirements.

## **F. CONDITIONS RELATING TO USE**

**The following conditions relate to the ongoing use of the premises and are to be complied with at all times:**

### **Approval of Liquor Licensing Authority**

114. The applicant/operator must notify Council in writing at least seven (7) days prior to the commencement of the use. This notification must be accompanied by written confirmation or a copy of the License issued by the NSW Office of Liquor Gaming and Racing for the use and hours of operation approved by this Development Consent.

### **Plan of Management**

115. A detailed Plan of Management shall be submitted to Council and the Principal Certifying Authority for review, in relation to the operation of Costco. The plan shall address means by which Costco will control and manage all aspects of the use including but not limited to trolley collections, control of the car park area, sale of liquor etc.

### **Hours of Operation**

116. The hours of operation of the premises are limited as follows:

- (a) Costco building: Monday to Sunday – 8am to 9pm (for public access)
- (b) Service station: Monday to Sunday – 6am to 10pm (for public access)
- (c) Deliveries and stacking operations: Monday to Sunday – 24 hours.

Note: 24-hour operation is only permitted for the purpose of deliveries and stacking operations and activities carried out by Costco employees.

### **Car Parking and Loading/Unloading Areas**

117. A total of seven-hundred-and-one (701) off-street car parking spaces must be provided. Fifteen (15) of these spaces must be designed and signposted/marked for the specific use of persons with a disability.
118. All parking areas shown on the approved plans must be used solely for this purpose.
119. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
120. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.
121. The car park area and internal roads shall be maintained to Council's satisfaction.

### **Motorcycle and Bicycle Parking**

122. Thirty-two (32) bicycle parking spaces shall be provided and maintained on-site at all times.
123. Five (5) motorcycle parking spaces shall be provided and maintained on-site at all times.
124. The operator shall monitor the usage of the bicycle and motorcycle parking spaces for a period of six (6) months. If the operator finds that there is an increased demand for bicycle and motorcycle parking, the operator shall make provision on-site to increase the number of these parking spaces.

#### **Workplace Travel Plan**

125. The work place travel plan referred to in Condition No. 102 shall be implemented at all times.

#### **Waste Management Plan**

126. The Waste Management Plan relating to the on-going operation of Costco submitted to and approved by Council must be adhered to at all times. Supporting documentation (receipts/dockets) of waste, recycling and disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

127. All solid and liquid waste is to be removed from the site by a registered waste contractor.
128. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
129. All solid waste stored on site is to be covered at all times.
130. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.

#### **Landscaping**

131. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

An annual report shall be submitted to Council, for the 3 years following issue of the Occupation Certificate, certifying that the landscaping works have been satisfactorily maintained.

#### **Food Business Notification and Food Safety Supervisor**

132. Under the Food Act 2003, a food business must notify the NSW Food Authority of the details of its food business and food safety supervisor. In addition, certain retail food businesses such as restaurants, cafes, takeaways, club and pubs are required under the Food Act 2003 to appoint at least one trained Food Safety Supervisor in their business and notify the NSW Food Authority of the details of the Food Safety Supervisor.

You can visit the NSW Food Authority's website at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) for full details of the food business and Food Safety Supervisor requirements.

### **Storage of Flammable and Combustible Liquids**

133. Flammable and combustible liquids shall be stored in accordance with Australian Standard 1940-2004 – The Storage and Handling of Flammable and Combustible Liquids.

### **Spill Kit**

134. A spill kit shall be provided on site at all times to clean up any minor liquid spillages.

### **No Washing of Vehicles**

135. There shall be no washing of motor vehicles carried out on the premises.

### **Installation of Underground Petroleum Storage Systems**

136. The installation of the proposed underground storage systems shall be undertaken in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, Australian Standard 4897 – 2008: Design, Installation and Operation of Underground Petroleum Storage Tanks.

### **Bunding**

137. A bund wall shall be constructed around all fuel pumps and liquid storage areas to prevent any spillage entering into the stormwater system.

### **Noise Emissions**

138. The use of the premises including music and other activities shall not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in Australian Standard 2670.
  - (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00am the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
  - (c) During the period of 12 midnight to 7.00am the use shall be inaudible in any habitable room of any residential premises.
  - (d) The emission of an "offensive noise" as defined under the Protection of the Environment Operations Act.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with Australian Standard 2973 for vibration measurements, Australian Standard 1055 for outdoor sound level measurements, Australian Standard 2107 for indoor sound level measurements.

139. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in Australian Standard 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to 10.00pm daily and 0dB(A) above the L90 background between 10.00pm and 7.00am. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) The emission of an "offensive noise" as defined under the Protection of the Environment Operations Act.

The method of measurement of vibration in (a) and sound levels in (b) and (c) shall be carried out in accordance with Australian Standard 2973 for vibration measurements, Australian Standard 1055 for outdoor sound level measurements, and Australian Standard 2107 for indoor sound level measurements.

### **Environment**

- 140. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- 141. Any public address system or sound amplifying equipment shall be installed so as to not emit an offensive noise as defined by the Protection of the Environment Act 1997.

### **Graffiti**

- 142. Any graffiti carried out on the property shall be removed, within 48 hours, at full cost to the owner/occupier of the site.

### **Subsequent Annual Fire Safety Statements**

- 143. Subsequent annual fire safety statements are to be submitted to Council within (12) months after the last such certificate was given in accordance with clause 177, part 9, division 5 of the Environmental Planning and Assessment Regulation, 2000. The annual fire safety statement shall be prominently displayed in the building in the location adjacent to the main entry/exit point to the building.

The annual fire safety statement must be to the effect that:

- (a) in respect of each essential fire safety measure, such measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing:
  - (i) in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, o
  - (ii) in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and



- (b) the building has been inspected by a properly qualified person and was found when it was inspected to be in a condition that did not disclose any grounds for a prosecution under Part 2, Division 7 of the Environmental Planning and Assessment Regulation, 2000.

The owner of the building must also cause a copy of the statement (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner located at "Amarina Avenue Private Locked Bag 12, Greenacre 2190".

## **G. ADVISORY**

- (a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 6 months after the date on which the application is taken to have been determined.
- (b) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which the application is taken to have been determined.
- (c) In accordance with Section 95 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 (5) years of the date of this notice.
- (d) The Planning Assessment Commission has not conducted a review of the application.
- (e) These conditions are imposed to control development, having regard to Section 79C of the Environmental Planning and Assessment Act 1979.
- (f) The conditions of consent imposed by Council does not guarantee the NSW Roads and Maritime Services final consent to the specific road works and other structure works on the classified road network. Roads and Maritime Services must provide a final consent for each specific change to the State road network prior to the commencement of any work.
- (g) The land upon which the subject building is to be constructed is affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Persons to whom this consent is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- (h) The subject site is burdened by several easements including an easement for batter. Therefore the integrity of the identified easement for batter should not be compromised.
- (i) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- (j) 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.
- (k) "DIAL BEFORE YOU DIG" DIAL 1100

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.

(l) 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's Network Integrity Team on Phone Number 1800 810 443.

- (m) 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 effect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- (n) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- (o) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the 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.

Yours faithfully,

**Natalie Stewart**  
**MANAGER, STATUTORY PLANNING**

[n.stewart@liverpool.nsw.gov.au](mailto:n.stewart@liverpool.nsw.gov.au)

**ATTACHMENT NO. 2 – GENERAL TERMS OF APPROVAL BY NSW OFFICE OF WATER**



Department of  
Primary Industries  
Office of Water

Received By

31 MAY 2012

Records

The General Manager  
Liverpool City Council  
Locked Bag 7064  
LIVERPOOL NSW 1871

Contact: Mohammed Ismail  
Phone: 02 8838 7535  
Fax: 02 9895 7501  
Email: mohammed.ismail@water.nsw.gov.au

Our ref: 10 ERM2012/0352  
Our file: 9055875  
Your ref: DA 2012/968

Attention: Venetin Aghostin

29 May 2012

Dear Venetin

**Re: Integrated Development Referral – General Terms of Approval**

**Dev Ref: DA 2012/968**

**Description of proposed activity: Construction of a Costco wholesale and retail warehouse and service station.**

**Site location: Lot 200 BEECH ROAD CASULA LOT 200 DP1090110**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached please find the Office of Water's General Terms of Approval (GTA) for work/s on waterfront land requiring a controlled activity approval (CAA) under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Waterfront land includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary.

Please note Council's statutory obligations under section 91A(3) of the *Environmental Planning and Assessment Act, 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments result in more than minimal change to the proposed development or in additional works on waterfront land.

Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

- The Office of Water should be notified if Council receives an application to modify the development consent if the modification relates to a matter covered by our GTA. Failure to notify may render the consent invalid.

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia | t + 61 2 8281 7777 | f + 61 2 883 87554 | e [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au) | ABN 47 661 556 763

- The Office of Water requests notification of any legal challenge to the consent.

Under section 91A(6) of the EPA Act, Council must provide the Office of Water with a copy of any determination/s including refusals.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a CAA, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval (CAA) until a copy of the CAA has been provided to Council".

**The attached GTA are not the controlled activity approval.** The applicant must apply (to the Office of Water) for a CAA **after consent** has been issued by Council **and before** the commencement of any works or activity on waterfront land.

Finalisation of a CAA can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (if applicable) and proof of Council's development consent.

Application forms for the CAA are available from the undersigned or from the NSW Office of Water's website:

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

[Water licensing](#) > [Approvals](#) > Controlled activities

The Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely



Mohammed Ismail  
Licensing Officer - CAA  
Office of Water - Licensing South





## General Terms of Approval

for work requiring a controlled activity approval  
under the Water Management Act 2000

**Our Reference:** 10 ERM2012/0352 **File No:** 9055875  
**Site Address:** Lot 200 BEECH ROAD CASULA LOT 200 DP1090110  
**DA Number:** DA 2012/968  
**LGA:** Liverpool City Council

Number	Condition
<b>Plans, standards and guidelines</b>	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 2012/968 and provided by Council:  Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx">www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</a> (i) Outlet structures
4	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
5	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
6	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

<b>Our Reference:</b>	10 ERM2012/0352	<b>File No:</b> 9055875
<b>Site Address:</b>	Lot 200 BEECH ROAD CASULA LOT 200 DP1090110	
<b>DA Number:</b>	DA 2012/968	
<b>LGA:</b>	Liverpool City Council	

Number	Condition
<b>Drainage and Stormwater</b>	
8	The consent holder is to ensure that all drainage works <ul style="list-style-type: none"> <li>(i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and</li> <li>(ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.</li> </ul>
9	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
<b>Erosion control</b>	
10	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
<b>END OF CONDITIONS</b>	

### ATTACHMENT NO. 3 — FOOD PREMISES REQUIREMENTS

1. All walls (including partition walls) within the kitchen, food preparation, storage and display areas shall be of solid construction (e.g. bricks, cement or other approved material). These walls are to be finished with glazed tiles, stainless steel or other approved material adhered directly to the wall to a height of 2 metres above floor level.
2. Walls within the kitchen, food preparation, storage and display areas which are not of solid construction (e.g. stud walls) shall be finished in tiles or other approved material from the floor level to the underside of the ceiling.
3. The floors within the kitchen, food preparation, storage and display areas shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. The floor is to be graded and drain to an appropriate floor waste fitted with a basket arrestor.
4. If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles shall be of a material that is non-absorbent and impervious to moisture.
5. The intersection of walls with floors and exposed plinths in the kitchen, food preparation, storage and display areas are to be coved to a minimum radius of 25mm.
6. All plinths are to be constructed of a material which is of solid construction and impervious to moisture. The plinths shall be:
  - (a) at least 75mm high;
  - (b) finished level to a smooth even surface;
  - (c) recessed under fittings to provide a toe space of not more than 50mm;
  - (d) rounded at exposed edges; and
  - (e) coved at the intersection of the floor and wall to a minimum radius of 25mm.
7. The ceiling is to be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The surface finish is to be free of open joints, cracks, crevices or openings (drop ceiling panel is not permitted). The intersections of walls and the ceiling are to be tight jointed, sealed and dust-proof.
8. The drop-in panel ceiling in the food preparation and storage areas shall be replaced with an approved rigid, smooth faced and impervious material which is free of open joints, cracks, crevices or openings. The ceiling is to be painted with a light coloured washable paint.
9. All service pipes and electrical conduits shall be either:
  - (a) concealed in floors, walls, ceiling or concrete plinths, or
  - (b) fixed with brackets so as to provide at least
    - i) 25mm clearance between the wall and the pipe/conduit,
    - ii) 100mm between the floor and the pipe/conduit
  - (c) pipes so installed are not to run underneath fittings.
10. All architraves, skirting boards, picture rails and the like are not permitted within the kitchen, food preparation and storage areas.
11. All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through are to be designed and constructed so as to prevent the access of vermin.

12. The internal and external surfaces, including exposed edges to all benches, counters and shelving in the food preparation, storage, display and serving areas are to be finished with a rigid, smooth faced and non-absorbent material (e.g. laminate, stainless steel or other approved material) that is capable of being easily cleaned.

13. All shelving shall be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed.

Note: The lowest shelf shall be a minimum of at least 150mm above the floor level.

14. The hot water service unit shall be positioned a minimum of 75mm clear of the adjacent wall surface and mounted a minimum of 150mm above the floor level on a stand of non-corrosive metal construction.

15. A free standing, hands free hand wash basin shall be provided in a convenient position within the food preparation and serving areas. The hand wash basin shall be provided with hot and cold water supplied through a single outlet and fitted with an approved mixing device to enable hands to be washed under hot running water at a temperature of at least 40°C.

16. Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage of vermin are not permitted to be formed in the construction of the premises or in the installation of fixtures, fittings and equipment.

17. A double bowl sink or two-compartment tub shall be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least:

(a) 45°C in one bowl for washing purposes; and

(b) 77°C in the other bowl for rinsing purposes, together with a thermometer accurate to 1°C.