JRPP Number	2011SYW086
Application Number	DA-1089/2011
Proposed Development	DEMOLITION OF EXISTING STRUCTURES AND
	ERECTION OF STOCK AND SALE YARD AND
	ASSOCIATED TREE REMOVAL AND SITE
	REMEDIATION.
Property Description	LOT 1 DP 581034, LOT 2 DP 581034, LOT 3 DP 581034,
	LOT 1 DP 970591, LOT 1 DP 249818, LOT 2 DP 249818.
	GOVERNOR MACQUARIE DRIVE, WARWICK FARM
Applicant	WILLIAM INGLIS & SON LIMITED
Land Owner	AUSTRALIAN TURF CLUB LIMITED
Capital Investment Value	\$67,000,000
Recommendation	APPROVAL



1. EXECUTIVE SUMMARY

1.1 Reasons for the Report

Pursuant to the requirements of the State Environmental Planning Policy (State and Regional Development) 2011, this application is referred to the Joint Regional Planning Panel for determination as the capital investment value of the development exceeds \$20,000,000. The application submitted to Council indicates a value of \$67,650,000.

1.2. The proposal

The development application seeks Council consent for the demolition of existing structures and erection of stock and sale yard and associated tree removal and site remediation. The proposal is defined as Nominated Integrated Development (Water Management Act 2000 – Department of Primary Industries – Office of Water).

1.3 The site

The subject site is identified as Lot 1 DP 581034, Lot 2 DP 581034, Lot 3 DP 581034, Lot 1 DP 970591, Lot 1 DP 249818, Lot 2 DP 249818, Governor Macquarie Drive, Warwick Farm NSW 2170, being land forming part of the Warwick Farm Racecourse site.

1.4 Background

The subject development application was lodged on 20 April 2011 pursuant to Clause 72J and 72K of the Environmental Planning and Assessment Act 1979 (EP&A Act) concurrently with a planning proposal requesting re-zoning of certain land as well as permitting land use stock and sale yards within the RE2 Private Recreation zone. The subject development application and associated planning proposal were thus required to be exhibited concurrently in accordance with the requirements of the EP&A Act 1979.

Liverpool Local Environmental Plan 2008 Amendment No. 14 (Coopers Paddock and Inglis Site) was gazetted on 17 August 2012. The amendment rezoned certain land at Warwick Farm south of Governor Macquarie Drive from RE2 Private Recreation to RE1 Public Recreation, E2 Environment Conservation and IN1 General Industrial as well as permitting "Stock and Sale yards" as a permitted use with the RE2 Private Recreation zone.

1.5 Issues

The proposed development is accompanied by a written request seeking variation to the permitted Floor Space Ratio pursuant to Clause 4.6 of the Liverpool Local Environmental Plan 2008 (LLEP 2008). The variation is considered justified and reasonable in the circumstances of the case and is recommended for support.

The proposal incorporates an architectural roof feature which exceeds the maximum permitted building height. This element has been satisfactorily addressed under Clause 5.6 of the LLEP 2008 and is considered acceptable in this regard.

The development has been considered with regard to the relevant statutory requirements and the codes and policies of Council, and is found to be an appropriate and suitable development for the subject site. The issues raised are satisfactorily addressed and the proposal is thus recommended for approval subject to conditions.

1.6 Exhibition of the proposal

The development application and associated planning proposal were advertised concurrently for a period of thirty (30) days from 21 September 2011 to 22 October 2011 in accordance with Clause 72K of the EP&A Act. A total of 2 objections were received in response to the development application. The issues raised in the submissions include:

- 1. Removal of trees and vegetation and potential impacts to ecological communities;
- 2. Site should be re-zoned E2 Environmental or RE1 Public Recreation; and
- 3. Potential to harm property owners in the racecourse precinct.

The issues raised above have been assessed in accordance with the relevant planning controls and are satisfactorily addressed within the submitted documentation and plans.

1.7 Conclusion

Following detailed assessment of the proposal against the applicable statutory legislations and consideration of the issues raised in the submission, it is considered that the proposal is an appropriate development for the subject site which will result in a high quality built form to complement the Warwick Farm Racecourse site by maintaining facilities for horse racing, training,

and serving the equine industry.

The proposed development being for the demolition of existing structures and erection of stock and sale yard and associated tree removal and site remediation is permissible pursuant to the LLEP 2008 Amendment No. 14 gazetted on 17 August 2012.

The site is proposed to be remediated to enable the sites suitability for the proposed development and will also incorporate appropriate measures for flood mitigation, heritage impact, flora and fauna impact, bushfire risk, acid sulphate soils, and traffic impact.

The development also proposes rehabilitation of the riparian zone connecting the site to Georges River along with upgrades to the Governor Macquarie Drive road network which will both contribute towards the public benefit. It is therefore considered that the proposal is worthy of support.

2. SITE DESCRIPTION AND LOCALITY

2.1 The Site

The subject site is identified as Lots 1, 2 and 3 DP 581034, Lot 1 DP 970591, Lots 1 and 2 DP 249818, Governor Macquarie Drive, Warwick Farm NSW 2170, being land forming part of the Warwick Farm Racecourse site.



Figure 1: Aerial photograph of Site

The subject site is situated towards the south-east corner of the Warwick Farm Racecourse site comprising an area of approx 10.31ha. The subject site was created under subdivision consent DA-1183/2011 which sought to rationalise lot boundaries and created the site for the proposed Warwick Farm Selling Centre.

The site is bound by the Warwick Farm racetrack to the north, Georges Rive to the east, Governor Macquarie Drive to the south and the proposed Warwick Farm racecourse car parking facility upgrade to the west.

Existing improvements to the site consist of a residence, garage/carport, former turnstile and ticket sales booth, former Leger Totalisator, Leger Stand, and various sheds. Existing vegetation to the site comprises a mix of native and exotic species including mature trees and grass cover. The Warwick Farm racecourse site has three entry/exit points from Governor Macquarie Drive.

2.2 The Locality

Located to the southern side of Governor Macquarie Drive opposite the subject site, is the site known as Coopers Paddock, the existing Sydney Water Sewage Treatment Plant, and the established equine industry with residential dwellings.

Located to the west on the north western side of the Hume Highway, is a parcel of land zoned IN1 – General Industrial. The site is approximately 18.8ha in size and comprises the Warwick Farm Shopping Centre, Peter Warren Automobiles and the Masterton Homes Display Village.

Georges River adjoins the site to the east and separates the subject site from the residential suburb of Chipping Norton.



Figure 2: Aerial photograph of the Locality



Figure 3: Subject site as viewed from Governor Macquarie Drive

3. BACKGROUND

The subject development application was lodged on 20 April 2011 pursuant to Clause 72J and 72K of the Environmental Planning and Assessment Act 1979 (EP&A Act) concurrently with a planning proposal requesting re-zoning of certain land as well as permitting land use stock and sale yards within the RE2 Private Recreation zone. The subject development application and associated planning proposal were thus required to be exhibited concurrently in accordance with the requirements of the EP&A Act 1979.

The planning proposal is accompanied by a Voluntary Planning Agreement (VPA) between the landowner Australian Turf Club (ATC) and Liverpool City Council which include public works and road dedication comprising relocation and reconstruction of part of Governor Macquarie Drive.

The traffic improvements identified within the VPA included the following:

- Governor Macquarie Drive to be widened to two lanes in each direction between the entrance to the Coopers Paddock Site and a new entrance into the ATC Site near the existing Old Tote Stand. The new carriage way is to be constructed on the southern side of the existing carriageway of Governor Macquarie Drive.
- Provision of the following works to both carriageways of Governor Macquarie Drive: Lighting, Kerb and Guttering, Median Strip.
- Subject to Council approval, construct two new intersections at the Coopers Paddock and Governor Macquarie Drive intersection and proposed car park entrance at Governor Macquarie Drive.

Bicycle and pedestrian paths are required in addition to the traffic improvements as follows:

• The construction of shared bike/pedestrian paths of a minimum width of 2.5 metres located adjacent to Governor Macquarie Drive on the northern side of the existing carriageway, to run for the length from the existing cycle path near the William Long Bridge to the Hume Highway.

The current application is subject to the abovementioned works outlined within the VPA to be completed prior to the issue of any Occupation Certificate for the development.

The development application has been lodged concurrently with the following applications comprising road works identified in the VPA and a separate development application for car parking:

- **DA-1309/2011:** Demolition of built structures including removal of former railway platform, site regrading works, and the construction of a new car parking area accommodating 896 vehicles with associated landscaping at Lot 1 DP 250138, Lot 14 DP 578199, Lot 1 DP 581034, Lot 2 DP 581034, Lot 3 DP 581034, Part Lot 1 DP 970591, 2 Hume Highway, Warwick Farm.
- DA-27/2012: Relocation and reconstruction of a portion of Governor Macquarie Drive at Lot 1 DP 250138, Lot 14 DP 578199, Lot 1 DP 581034, Lot 2 DP 581034, Lot 3 DP 581034, Part Lot 1 DP 970591, Lot 1 DP 249818, 2 Hume Highway, Warwick Farm, Lot 1 Governor Macquarie Drive, Chipping Norton.
- **DA-28/2012:** Intersection upgrade road works of Governor Macquarie Drive and Munday Street, Warwick Farm at Lot 1 DP 1040353, and portion of road reserve of Governor Macquarie Drive and Munday Street, Warwick Farm.

It is noted that DA-28/2012 for proposed intersection upgrade of Governor Macquarie Drive and Munday Street pertains to works required under a separate VPA for the 'Munday Street' site associated with Liverpool Local Environmental Plan 2008 Amendment No.18 (Munday Street Site) gazetted on 9 December 2011 which rezoned land to B5 Business Development.

The 'Munday Street' site is currently subject to DA-1321/2011 for a proposed home improvement centre.

The supporting development applications for the car parking and road works are currently under assessment to be determined under the relevant delegations.

4. DETAILS OF THE PROPOSAL

The development application seeks consent for the demolition of existing structures and erection of stock and sale yard and associated tree removal and site remediation.

Specific components of the proposal are outlined in detail below:

Demolition and Site Remediation

The proposal would involve the demolition of the following existing items contained within the Warwick Farm Racecourse site:

Item	Building Number (from Rygate & Co Pty Ltd Survey)	Significance
Residence	1	Low
Garage & carport	2	Low
Shed	3	Low
Former turnstile & ticket sale booth	4	Low
Metal shed	5	Low
Metal shed	6	Low
Former Ledger Totaliser	7	Moderate
Leger Stand	8	Low
Remnant Railway Platforms	Not numbered	Moderate
Avenue Plantings (behind Macquarie and Leger Stands)	Not numbered	Moderate
Site road network and carparks	Not numbered	Low

The majority of existing trees will require removal and are proposed to be replaced in locations which will suit the proposed new layout of the warwick farm selling centre.

Site remediation works and earthworks are proposed pursuant to the contamination investigations undertaken by SMEC Testing Pty Ltd for the areas include the refuelling area and the former railway corridor. The remediation works are to be in accordance with the Remediation Action Plan (RAP) prepared by SMEC Testing Pty Ltd. Earthworks are proposed to grade the site at a minimum grade of 0.5% to the eastern boundary towards Georges River which includes filling and regrading.

Construction of the Warwick Farm Selling Centre

The proposed stock and sales yard comprises a number of built elements which include a Multipurpose Selling Auditorium & Parade Ring, Stabling Precinct, Truck Parking & Maintenance Precinct, and Manager's Residence. These elements are detailed below:

Multipurpose Selling Auditorium and Parade Ring Precinct

Sales Ring Level

- Sales Ring, surrounded by an auction box, seating and dining area;
- Parade Ring, encapsulated by the horse parade area and spectator standing and seating areas;
- Sales Day Office;
- Meeting rooms;
- TAB;
- Business Centre;
- Repository for storage of digital X-Rays;
- Store rooms;
- Main Switch Board room
- Toilets;
- Plant & Service rooms;
- Vets rooms (2) & adjoining stalls.

Concourse Level

- Auditorium style seating with a capacity of 450 seats;
- Dining Auditorium with a capacity in the order of 450 seats;
- Deck area;
- Lobby, Merchandise Outlet & Reception;
- VIP Dining room;
- Meeting rooms;
- Kitchen;
- Servery;
- Bar & Café;
- Toilets;
- Spectator Seating around the Parade Ring;
- Landscaped Forecourt;
- Visitor Drop off;
- Loading dock.

Office Level

- Directors & Executive Offices;
- Open Planned Office Space;
- Board & Meeting Rooms;
- Kitchen;
- Ante room;
- Theatre;
- Plant rooms;
- Store rooms;
- Tea room;
- Toilets

Stabling Precinct

- Stabling on the site is contained within 12 open sided buildings of varying lengths arranged with 6 to each side of the Multipurpose Selling Auditorium and Parade Ring Precinct and linked to the parade ring via a central access spine.
- The combined stable buildings will provide accommodation for up to 908 horses in a modular stabling system plus provide associated facilities such as horse wash bays, toilets, laundries, feed and tack storage facilities.
- Each stable building includes 4 staff studio apartments to be located above the service facilities to provide horse stud staff with accommodation facilities during sale times. Each apartment contains a bathroom, kitchenette and sleeping facilities.
- Refuse and stable waste will be placed in wheelie bins positioned at the rear of each building along the service road to allow collection and transfer off site.
- Between each stable block a landscaped horse parade display courtyard is proposed which includes a hospitality pavilion and at the rear of each pavilion will be 6 carparking spaces for use by horse owners/strappers.
- The construction of the stable precinct will be undertaken in two stages. The number of stalls proposed per each stable is outlined in the table below.

Stable Block No.	No. of stalls
Stable Block 01	75
Stable Block 02	87
Stable Block 03	55
Stable Block 04	87
Stable Block 05	87
Stable Block 06	71
Stable Block 07	55
Stable Block 08	103
Stable Block 09	75
Stable Block 10	71
Stable Block 11	87
Stable Block 12	55

Truck Parking and Maintenance Precinct

- Area located in the north-eastern corner of the site proposed for the parking, loading and unloading of stock and service vehicles, feed and hay storage and servicing/maintenance needs associated with the Centre;
- Accessed via the secured service entry at the eastern end of the site along Governor Macquarie Drive;
- 6 employee car parking spaces and 5 bay carport for parking of maintenance vehicles i.e. tractors, utes and trailers;
- Truck parking area to cater for the parking of up to 35 large articulated horse trucks that deliver horses to the site;
- Truck wash area; and
- Maintenance shed, which includes an office, toilets, lunch room and landscape bins. This area also includes materials storage for such items as bedding, feed and landscape.

Managers Residence

- Proposed managers residence located in the south-eastern portion of the site including an attached undercroft double garage;
- The dwelling comprises three bedrooms with an ensuite and built-in to the main, separate bathroom and toilet, living area, dining area, kitchen, laundry and storeroom, and outdoor deck.

Landscaping

- A central pedestrian spine is proposed as a major landscape feature linking all patron and equine functions with the sales and administrative central core. The central pedestrian spine will be lined with an avenue of trees, clipped hedges, shrubs, and groundcover plants.
- Stable courtyards and hospitality enclosure to parade horses with two trees planted in the centre of the parade ring to provide shade and visual amenity.
- Entry gate and circular drive includes a water feature and the circular drive will be an avenue of trees to match the trees used for the central pedestrian spine.
- The perimeter of the site between the internal ring road and the boundary line will be planted with a tier of trees, shrubs and ground cover plants.
- The frontage to the Governor Macquarie Drive will include decorative entry gates designed as a landscape feature to identify the proposed thoroughbred sales centre as a landmark.

- Inside the boundary will be a line of evergreen trees and will be Australian native species which are endemic to the site.
- The internal ring road and truck park will be lined with mature trees to provide both screening and visual interest.

Riparian Zone

A Riparian Vegetation Management Plan has been prepared for the remnant bushland on the Georges River by UBM Ecological Consultants Pty Ltd which includes recommendations for the protection of the remnant native vegetation along the Georges River and a management program which addresses the following:

- Protection, rehabilitation, restoration and future management of the degraded remnant EEC River-flat Eucalypt Forest within the subject site;
- Weed invasion; providing serious threats to the survival of the remaining native tree canopy. Destruction of the native shrub and ground cover strata is already advanced;
- Soil management issues, including deposition of soil/silt on the riverbanks, periodic flooding, pollutants (e.g. weed seed), and riverbank erosion;
- Drainage issues, particularly stormwater and other types of polluted (high nutrient) runoff likely to arise from stables, new service areas and the like. Polluted runoff changes soil structure and soil chemistry, thereby encouraging the establishment and persistence of introduced weeds;
- Inappropriate activities, including fragmentation of bushland by horse exercising and vehicular tracks, and dumping of unwanted materials;
- Management of edges sites and buffers, including the development/bushland interface, location of proposed new service road at the interface, with possible landform changes;
- Impact of adjoining land uses e.g. location of unmaintained weed and rubbish stockpiles, composting areas, machinery sheds and other service facilities;
- Feral animals control.

The recommendations of the Riparian Vegetation Management Plan are proposed to be carried out over a period of five years.

Car Parking and Access

The development has been lodged concurrently with development application DA-1309/2011 for demolition of built structures including removal of former railway platform, site regrading works, and the construction of a new car parking area accommodating 896 vehicles with associated landscaping at Lot 1 DP 250138, Lot 14 DP 578199, Lot 1 DP 581034, Lot 2 DP 581034, Lot 3 DP 581034, Part Lot 1 DP 970591, 2 Hume Highway, Warwick Farm. The application for the car park is currently under assessment to be determined under the applicable delegation.

The car park facility will be shared by Warwick Farm Racecourse and the Warwick Farm Selling Centre on a permanent basis with horse sale days and race days to be planned on separate days.

Traffic access to the Warwick Farm Selling Centre is proposed as follows:

- Governor Macquarie Drive/Car Park access intersection Patrons, visitors and employees.
- Governor Macquarie Drive/Proposed Warwick Farm Selling Centre access intersection - VIPs, taxis and Coaches.
- Governor Macquarie Drive/Proposed Service Road access intersection Horse transporting vehicles, materials and deliveries.

In addition to the main car parking facility, additional car parking is proposed within the Warwick Farm Selling Centre which includes 6 employee parking spaces attached to each hospitality suite, 11 employee parking for maintenance area, and 12 visitor spaces located around the landscape forecourt.

Proposed Use as Stock and Sale Yard

The primary purpose of the stock and sale yard is for the conducting of sales events and associated administration and site maintenance. The applicant has outlined in their Statement of Environmental Effects the following operational details:

Conducting of Sales Events

A total of 2 major sales and 4 minor sales (totalling about 20 days) will be conducted annually. Prior to the sale days horses will arrive at the site at any time of the day, as vehicles transporting the horses are travelling from distant locations. Horses begin to arrive up to two weeks before the sale dates.

Prior to the sale days, a maximum of 80 office staff would arrive at the site around 8.30am and leave the site at around 5pm. A maximum of 25 site staff would arrive at the site around 6.30am and would leave the site around 6.30pm. Stud staff (1 person for 3 horses) will arrive with the horses and need to be onsite between 6.30am and 6pm.

On the sale days, sales will start at 11am and finish at 5pm. Only a few horses will arrive at the site on a sale day. An estimated 2,000 people, including 500 staff and 1,500 patrons would be onsite during a major sale day and a total of 750 people, including staff, would be onsite during a minor sale. Other aspects of Sales Events includes the use of the temporary accommodation within the stables buildings, the use of the hospitality suites, the delivery of horse feed & stable bedding and the removal and disposal of used stable bedding.

The proposed 900 space car park to be constructed on the adjoining WFR site would be used during Sales days, with racing programs and sales events being co-ordinated to prevent a clash of dates.

Administration & Site Maintenance

This involves the all-year, day-to-day operations of the WFSC, including business administration tasks and site & machinery maintenance. This also includes the occupation and use of the proposed Manager's Residence.

Development within Governor Macquarie Drive

It is noted that part of the development falls within the existing Governor Macquarie Drive road alignment, specifically being two lots identified as closed road (Lots 1 & 2 in DP 249818). The components of the proposal located within these lots comprise part of the perimeter service road and site landscaping. This element is consistent with the public works and dedications as approved under the Voluntary Planning Agreement (VPA) between the landowner and Council and to be implemented under Development Application DA-27/2012 for relocation and reconstruction of a portion of Governor Macquarie Drive.

Furthermore the current application will be subject to a number of requirements to be completed prior to occupation of the development. These include shared bicycle and pedestrian paths of a minimum width of 2.5 metres located adjacent to Governor Macquarie Drive on the northern side of the existing carriageway, to run for the length from the existing cycle path near the William Long Bridge to the Hume Highway.



Figure 5: Perspective illustrating view down pedestrian spine of the development



Dillque view of sales ring and stables Figure 6: View of proposed sales ring and stables



Figure 7: View of parade ring

5. STATUTORY CONSIDERATIONS

5.1 Zoning

The subject site is located within the RE2 – Private Recreation Zone and the RE1 – Public Recreation zone under the provisions of Liverpool Local Environmental Plan 2008 (LLEP 2008).

Liverpool Local Environmental Plan 2008 Amendment No. 14 (Coopers Paddock and Inglis Site) was gazetted on 17 August 2012. The amendment rezoned certain land at Warwick Farm south of Governor Macquarie Drive from RE2 Private Recreation to RE1 Public Recreation, E2 Environment Conservation and IN1 General Industrial as well as permitting "Stock and Sale yards" as a permitted use with the RE2 Private Recreation zone.

The proposed development is identified as a *Stock and Sale Yard* which is a permissible land use within the RE2 zone. The proposed use is defined as follows:

stock and sale yard means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

The proposed environmental protection works located within the RE1 zoned portion of the site (riparian zone along Georges River) are permissible within the RE1 zoned land. Environmental protection works are defined as follows:

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

An extract from the LLEP 2008 zoning map updated per Amendment No. 14 is provided below:



Figure 8: Extract of LLEP 2008 zoning map

5.2 Relevant matters for consideration

The following Environmental Planning Instruments (EPI's), Development Control Plan and Codes or Policies are relevant to this application:

- 1. Greater Metropolitan Regional Environmental Plan No. 2 Georges River Catchment (deemed SEPP);
- 2. State Environmental Planning Policy No 19 Bushland in Urban Areas (SEPP 19);
- 3. State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55);
- 4. State Environmental Planning Policy (Infrastructure) 2007;
- 5. Liverpool Local Environmental Plan 2008;
- 6. Liverpool Development Control Plan 2008, specifically:
 - Part 1.1 General Controls for all development; and
 - Part 1.2 Controls for all development.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation as follows:

6.1 Section 79C(1)(a)(1) – Any Environmental Planning Instrument

(a) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP)

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application planning principles are to be applied (Clause 7(2)). Accordingly, a table summarising the matters for consideration in determining a development application (Clause 8 and Clause 9) is provided below:

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan.	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries. The proposed development will not adversely affect the environmental quality of the catchment subject to the adequate mitigation measures outlined within the Concept Surface Water Management Plan and Waste Water Management Plan and associated documentation which accompanies this application.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas.	An Erosion and Sediment Control Plan has been submitted as part of the proposal. The proposal is not considered to result in adverse effects on adjacent or downstream local government areas.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries.	A Cumulative Flood Impact Assessment along with a Concept Surface Water Management Plan and Waste Water Management Plan are submitted as part of the proposal.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments).	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004. The development is considered to have minimal impact with implementation of Erosion Control and Stormwater management systems.
(e) the <i>Georges River Catchment Regional</i> <i>Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning).	The Sydney Metropolitan Catchment Action Plan (CAP) aims to focus investment on sustainable management of the natural resources that underpin the landscape of the Sydney Metropolitan Catchment region. The proposed development is not in conflict with the identified targets of the CAP.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice.	These matters have been considered in the assessment of the proposal.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	The development is situated within an area already developed for urban land use and deemed suitable for the current proposal.

Clause 9 Specific Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(1)Acid sulfate soils	An acid sulphate soils assessment has been carried out by SMEC Testing Services Pty Ltd dated April 2011. Based on the testing undertaken an action criteria value has not been exceeded for any of the soil samples tested. The acid sulfate soil assessment relevantly concludes that an acid sulfate soil management plan is not required for the proposed development.
(2)Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
 (3) Flooding (4) Industrial discharges 	A Flood Risk Assessment Report has been prepared by SEEC dated18 April 2011 and revised 18 November 2011 in addition to a Cumulative Flood Impact Assessment dated 12 April 2012. The report results generally show a slight reduction in the 100 year flood levels immediately upstream of Governor Macquarie Drive Apart from this reduction, all other areas generally showed no appreciable change in flood levels. Subject to this report, the development will not have an adverse impact on flood effects, with some actual minor reductions in flood levels south of the site. It has also been shown that the development can be undertaken with no loss of flood storage. Not applicable.
(5) Land degradation	Land degradation processes have been avoided where possible, and minimised through management plans.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
 (8) Sewer overflows (9) Urban/stormwater runoff 	Not applicable. An Erosion and Sediment Control Plan and Concept Surface Water Management Plan been provided to minimise any potential impacts of runoff on streams within the Catchment.
(10) Urban development areas	Not within an Urban Release Area.
(11) Vegetated buffer areas	The riparian zone buffer is maintained between the development site and the Georges River which will be enhanced through environmental protection works as outlined within the Riparian Vegetation Management Plan prepared by UBM Ecological Consultants Pty Ltd dated 18 April 2011.
(12) Water quality and river flows	An Erosion and Sediment Control Plan and Concept Surface Water Management Plan

	been provided to minimise any potential impacts of runoff on streams within the Catchment.
(13) Wetlands	Not applicable.

The provisions of Part 3 are also applicable to the development as the works involve Stormwater Management System Works and Development in Vegetated Buffer Areas. The development has taken into consideration the provisions within the matters for consideration and seeks to ensure that appropriate measures are implemented for the purpose of stormwater runoff, in addition to maintaining a 40metre buffer zone and riparian vegetation management to allow for protection of the catchment.

It is considered that the proposal satisfies the provisions of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP).

(b) State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)

The aims and objectives of SEPP 19 are to protect and preserve bushland within urban areas in order to protect their value to the community. Specifically, the policy requires that a person shall not disturb bushland zoned or reserved for public open space purposes without the consent of the council. The development incorporates a portion of land which was re-zoned from RE – 2 Private recreation to RE1 – Public Recreation under LLEP 2008 Amendment No. 14, comprising land within the riparian vegetation buffer. Accordingly, the policy applies to the extent of the land reserved for public open space as indicated below:

Clause 6 Consent to disturb bushland zoned or reserved for public open space

(1) A person shall not disturb bushland zoned or reserved for public open space purposes without the consent of the council.

(2) Nothing in subclause (1) requires development consent for the disturbance of bushland where it is being disturbed:

(a) for the purposes of bushfire hazard reduction,

(b) for the purpose of facilitating recreational use of the bushland in accordance with a plan of management referred to in clause 8 of this Policy,

(c) for the purpose of constructing, operating or maintaining:

(i) lines for electricity or telecommunication purposes, or

(ii) pipelines to carry water, sewerage or gas or pipelines licensed under the Pipelines Act 1967, or

(d) for the purpose of constructing or maintaining main roads.

(3) Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development referred to in subclause (1) in the same way as those provisions apply to and in respect of designated development.

(4) A consent authority shall not consent to the carrying out of development referred to in subclause (1) unless:

(a) it has made an assessment of the need to protect and preserve the bushland having regard to the aims of this Policy,

(b) it is satisfied that the disturbance of the bushland is essential for a purpose in the public interest and no reasonable alternative is available to the disturbance of that bushland, and

(c) it is satisfied that the amount of bushland proposed to be disturbed is as little as possible and, where bushland is disturbed to allow construction work to be carried out, the will be reinstated upon completion of that work as far as is possible.

The development is accompanied by a Flora & Fauna Impact Assessment Report prepared by UBM Ecological Consultants Pty Ltd dated 27 January 2011 which has made an assessment of the need to protect and preserve the bushland having regard to the aims of this policy.

The assessment includes a number of recommendations as follows:

- The retention of ~2 ha of River Flat Eucalypt Forest within the Study Area and any additional areas of vegetation as is practical within the context of the development.
- The retention of habitat trees as is practical, especially those with hollows.
- Where habitat trees cannot be retained, existing hollows are to be excised and relocated within the Riparian Zone and/or adjoining woodland. These should be placed high next to and on forks in existing trees. Where this is impractical nest boxes should be erected.
- Further investigation into the minimum area of riparian vegetation required to ensure river bank stability will be needed.
- Further investigation into the requirement for an asset protection zone and potential impact on environmental constraints on site.
- The implementation of a vegetation management plan to guide rehabilitation efforts within those areas proposed for retention.

Additionally, the policy identifies the need for consideration of development on land adjoining land zoned or reserved for public open space. In this regard, the development is also subject to the following requirements:

Clause 9 Land adjoining land zoned or reserved for public open space

- (1) This clause applies to land which adjoins bushland zoned or reserved for public open space purposes.
- (2) Where a public authority:
 - (a) proposes to carry out development on land to which this clause applies, or

(b) proposes to grant approval or development consent in relation to development on land to which this clause applies,

the public authority shall not carry out that development or grant the approval or development consent unless it has taken into account:

(c) the need to retain any bushland on the land,

(d) the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and

(e) any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.

In consideration of the above, the development is accompanied by a number of specialist reports which identify appropriate measures for retention and protection of bushland, specifically protection and revegetation of a 40 metre riparian buffer along the Georges River boundary and measures to address soil erosion and siltation. Given the above stated measures and the developments consideration of the matters under SEPP 19, the proposal is considered acceptable.

(c) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Pursuant to Clause 7 of SEPP 55, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority

is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

The development application is accompanied by a Contamination Assessment prepared by SMEC Testing Services Pty Ltd dated January 2010.

The assessment report has identified based on site investigation and laboratory testing, that some elevated levels within two spot locations being the rail corridor and part of the re-fuelling area which requires remediation works. However the assessment concluded that the majority of the site produced acceptable results with respect of soil health. In consideration of the above, providing that the area of the site with the elevated levels is remediated, it is considered that the site is suitable for the proposed land use.

A Remediation Action Plan (RAP) dated April 2010 has been prepared by SMEC Testing Services Pty Limited detailing the method and requirements of the remediation required to be prepared. The inspected material has been estimated to comprise about 100 tonnes and will be excavated and disposed of off-site. Furthermore, the Contamination Assessment noted that once the appropriate remediation has been undertaken, it will be necessary to validate the area to ensure remediation has been successful.

Council's Environmental Health Officer's concurred with the assessment findings that the site is suitable for the proposed development subject to the areas of the site with the elevated levels being remediated. Conditions have been included within the draft conditions of consent requiring remediation works to be undertaken and the submission of a validation report confirming the sites suitability for the development. The proposed development is thus considered satisfactory with respect of the requirements of SEPP 55.

(d) State Environmental Planning Policy (Infrastructure) 2007

The proposal is identified as a traffic generating development within Column 1 of Schedule 3 of SEPP Infrastructure. Clause 104 of the SEPP requires a consent authority to consider traffic generating development with regard to the following:

Clause 104 (3) Before determining a development application for development to which this clause applies, the consent authority must:

(a) give written notice of the application to the RTA within 7 days after the application is made, and (b) take into consideration:

(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multipurpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

In accordance with the above, written notice was provided to the RTA dated 5 July 2011. Council received comments from the RTA dated 23 August 2012 which raised no objections to the development and included advisory comments for Councils consideration (refer to attachment 3). The comments have been incorporated into the draft conditions of consent. Furthermore, Councils traffic engineers have considered the proposal and raise no objections to the development based on accessibility, traffic safety, road congestion, and parking implications. Traffic and parking considerations are canvassed in detail further within this report.

The proposal is considered satisfactory with respect of the provisions of SEPP Infrastructure.

(e) Liverpool Local Environmental Plan 2008

Clause 2.3 Zone objectives and Land Use Table

The subject site is located within the RE2 – Private Recreation Zone and the RE1 – Public Recreation zone under the provisions of Liverpool Local Environmental Plan 2008 (LLEP 2008).

The proposed development is identified as a *Stock and Sale Yard* which is a permissible land use within the RE2 zone. The proposed use is defined as follows:

stock and sale yard means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

The proposed environmental protection works located within the RE1 zoned portion of the site (riparian zone along Georges River) are permissible within the RE1 zoned land. Environmental protection works are defined as follows:

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works

The objectives of the RE2 – Private Recreation zone are as follows:

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To enable land uses that are compatible with, and complimentary to, recreational uses.

The development is consistent with the objectives of the RE2 Private Recreation zone for the following reasons:

- The proposal will continue to allow for and encourage the recreational use of warwick farm racecourse for recreational purposes.
- The development will not detract from opportunities for purposes of recreational and compatible land uses.
- The proposal incorporates environmental protection works to enhance the natural environment, specifically the revegetation and management of the riparian buffer zone along the Georges River.
- The proposed land use is both compatible and complimentary to the existing established equine industry and the warwick farm racecourse.

The objectives of the RE1 – Public Recreation zone are as follows:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide sufficient and equitable distribution of public open space to meet the needs of residents.
- To ensure the suitable preservation and maintenance of environmentally significant or environmentally sensitive land.

The development is consistent with the objectives of the RE1 – Public Recreation zone for the

following reasons:

- The proposal will allow for the use and availability of public open space along the Georges River foreshore buffer within the subject site.
- The development will create opportunities for purposes of recreational and compatible land uses.
- The proposal incorporates environmental protection works to enhance the natural environment, specifically the revegetation and management of the riparian buffer zone along the Georges River.
- The land identified within the RE1 zoned portion of the site is adequate to ensure ample opportunities for residents to utilise.
- The proposal incorporates works to protect the remnant native vegetation along the Georges River and a management program to ensure preservation and maintenance of the environmentally significant land.

Therefore, it is considered that the proposal satisfies the relevant objectives of both the RE2 Private Recreation zone and the RE1 – Public Recreation zone.

Clause 4.3 Height of buildings

The LLEP 2008 prescribes a maximum building height for the subject site of 30metres. The development proposes a maximum building height of 30.93metres measured from natural ground level. The development therefore results in a non-compliance of 0.93metres.

The non-compliance pertains to a decorative roof feature being the sales ring roof spine and it is noted that the building otherwise complies with the maximum height limit. The development seeks to rely on the provisions of Clause 5.6 of the LLEP 2008 which allow for variations to building height standards as follows:

5.6 Architectural roof features

(1) The objectives of this clause are as follows:

(a) to permit variations to maximum building height standards for roof features of visual interest, and

(b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:

(a) the architectural roof feature:

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

The variation is warranted in this instance as the non-compliance is minor (0.93metres) and pertains to a decorative element only. The element does not contain floor space or advertising material, and will not result in any unreasonable overshadowing or negative visual impact. In this regard, this element has been satisfactorily addressed under Clause 5.6 of the LLEP 2008 and is considered acceptable.

Clause 4.4 Floor space ratio

The LLEP 2008 prescribes a maximum floor space ratio for the subject site of 0.25:1. The proposed floor space ratio for this development may be calculated according to Clause 4.5 of LLEP 2008. In this regard, Based on a site area of 106,436sqm, being the combined area of Lots 1, 2 & 3 DP 581034, Lot 1 DP 970591 and Lots 1 & 2 DP 249818, the development has a FSR of 0.246:1.

However, pursuant to the gazettal of LLEP 2008 Amendment No. 14 on 17 August 2012, a portion of the site is now re-zoned as a public place, which cannot be included in the floor space ratio calculation. Therefore if the area of the proposed RE1 riparian area (9,834sqm) is treated as a public place for the purposes of clause 4.5(4), the development has a FSR of 0.271:1.

In this regard, the development is accompanied by a written request seeking a Clause 4.6 Variation to the Floor Space Ratio control. The written request is detailed below:

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case for the following reasons:

- The extent of the numerical FSR exceedance is relatively minor.
- The visual catchment of the proposed development has a direct relationship with the surrounding Warwick Farm racecourse. Having regard to the site's context, it is not considered that the slight exceedance would cause an unacceptable impact in terms of the overall extent of built form bulk when taking into account the overwhelming amount of space not containing buildings.
- In terms of the objectives for FSR:

> The development density and intensity of the proposed land use are able to respond to the availability of infrastructure and the generation of vehicle and pedestrian traffic.

> The proposed building density and bulk in relation to the site area have been designed to reinforce the rural nature and ambience of the Warwick Farm site, a clear indication of the desired future character.

> There will be minimal potential for adverse environmental effects on the use or enjoyment of adjoining properties and the public domain as a result of the proposed development. In terms of visual amenity the proposed development has a great degree of synergy with the immediately surrounding WFRC. Other potentially sensitive land uses, i.e. residential areas are well removed from the proposed development.

> As mentioned above, the proposed development is located adjacent to the WFRC. This has been considered having regard to the visual relationship of the proposed development with the WFRC and has been discussed above.

> An appropriate correlation has been provided between the size of the site and the extent of the proposed development, with the site being able to adequately accommodate the proposed development.

• For the above reasons it is considered that the proposal would not offend the public interest.

It is considered that the above sets out sufficient environmental planning grounds to justify contravening the development standard.

In consideration of the written request to vary the floor space ratio, the applicant has demonstrated that the development will be in the public interest and as canvassed earlier in this report it has been demonstrated that the development meets the objectives of the land use zones in which the development is proposed to be carried out. The variation is considered justified and reasonable in the circumstances of the case and is thus recommended for support.

Clause 5.9 Preservation of trees or vegetation

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. The Clause provides that:

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

The proposal involves removal of a number of trees in order to accommodate the proposed development. The application is accompanied by an Arboricultural Impact Assessment Report prepared by The Arborist Network dated 13 April 2011. The report provides the following assessment with respect of the proposed tree removal:

Excluding trees that are in the riparian zone and were not included in this tree survey there are 396 trees. 278 trees are proposed for removal in order to allow for the development and an additional 40 trees are in less than fair health and are recommended for removal primarily on management grounds.

Trees 86, 87, 89, 96, 289, 291, 293, 294, 298, 300 are marked for retention and protection but are in less than fair condition. Whilst it may be tempting to consider removing these trees whilst ever they do not pose an abnormal Risk of Harm2 and they do not adversely impact on the development there is merit in retaining these trees for their habitat and ecological values.

The proposed development requires significant bulk earth works and end built forms. As a result the vast majority of the trees within the development footprint will need to be removed and will be replaced as a part of the landscape works. The loss of trees is common as a part of development and is inevitable in a development of this scale and size.

As with all development the benefit provided by the development and its compliance with statutory restraints has to be weighed against such things as tree loss. Given the relatively young age of most of the trees and the indented landscape works along with the restoration of the riparian area, the loss of trees canopy is certainly only short term and in the longer term the canopy cover is likely to be better than it is at current and also probably made up of more appropriate species. In this instance weight also needs to be given to the benefits associated with restoration of the riparian area.

Councils landscape officer has reviewed the proposed tree removal and associated arborist assessment and raises no objection to the proposed works subject to compliance with the recommendations of the report. It should be noted that the extent of landscaping and re-vegetation works involved will result in an improvement to the overall site and is therefore supported in this instance.

Clause 5.10 Heritage conservation

Schedule 5 (Environmental heritage) identifies the __Warwick Farm Racecourse Group'; comprising Lot 1, DP 250138; Lots 2 and 3, DP 1040353; Lot 14, DP 578199; Part Lot 1, DP 1040353; Lots 1–3, DP 581034; Lot 1 DP 970591; Lots 1–3, DP 249818 and Part Lot 2, DP 581037 as being a heritage item (Item No. 66) having State significance. The reference to State Significance is however incorrect and should be correctly identified as being an item of local heritage significance.

Clause 5.10(4) (Effect on heritage significance) provides that the consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. A Statement of Heritage Impact has been prepared by Graham Brookes and Associates, dated March 2011 for the proposed development.

The items proposed to be removed as part of the proposed development are:

Site Element	Construction Date	Description	Significance
1	Circa 1952	House	Little
2	Pre 1961	Garage and Carport	Little
3	Circa 2000	Shed	Little
4	Pre 1961	Former turnstiles and ticket sales booth	Little
5	Pre 1961	Shed	Little
6	Pre 1994	Shed	Little
7	1925	Former Leger Totalisator	Moderate
8	1925	Leger Stand	Little
	Circa 1912	Remnant Railway Platforms	Moderate
	Pre 1951	Avenue Plantings: Road behind Macquarie and Leger Stands	Moderate
		Site road network and carparks	Little

The Statement of Heritage Impact provides the following conclusion in respect of heritage impact:

- Warwick Farm Racecourse is listed as an item of local heritage significance in Schedule 5 of the Liverpool LEP 2008.
- The primary heritage significance of Warwick Farm Racecourse is its active use as an equine related cultural landscape. The dominant feature of the listed heritage item is the racetrack.
- The construction of the proposed Inglis Sales Centre, in the south east corner of the racecourse site, requires the demolition of all existing built structures in this area.
- The Warwick Farm Racecourse site, in its entirety, is a listed heritage item. Whilst some existing site components will be lost as a result of the proposed development the overall significance will be reinforced and secured in the long term.
- The heritage impact of the loss of built fabric and landscape elements can be mitigated by the preparation of an archival photographic record and the implementation of site interpretation.
- The proposed development is consistent with the heritage requirements and guidelines of the Liverpool LEP 2008, the Liverpool DCP 2008 and the Australian Jockey Club Limited Warwick Farm Properties Conservation Management Plan (Warwick Farm CMP) Volume 2: Description and Policies.
- Should any unexpected relics be disturbed during excavation of the site they must be managed under the Archaeological provisions of the NSW Heritage Act.

Councils heritage officer has reviewed the proposed works and documentation and provides the following comments:

The above demolition (DA 1089/2011) is considered acceptable and in accordance with the Conservation Management Plan (CMP) (Volume 3) prepared by Graham Brooks and Associates P/L. As recorded and assessed in the CMP, most of these buildings are of low heritage significance and this view is supported.

The initial heritage comment for DA 1089/2011 (20 July 2011) advised that the demolition of the former Ledger Totaliser, (Building 7) should not be supported from a heritage perspective. The former Ledger Totaliser is described in the CMP as having moderate significance. The building is currently used as a workshop.

The past modifications to this building including removal of a sign board, insertion of a roller door at the rear, addition of a metal awning and remove of internal walls. The building was constructed in 1925 is an aesthetically pleasing structure and consideration could have been given to its adaptive re – use.

Staff discussion since the initial heritage comments were provided has considered allowing the removal of Building 7 if a similar building(s) could be retained. There exists 3 other totaliser buildings at Warwick Farm Racecourse which are not located on the Inglis site but on the adjoining site to be developed as a car park to the west of the Inglis site (refer attachment photos from the Date Sheets). These are Building 12 Totaliser C, Building 16 Totaliser A and Building 22 Totaliser B. While these buildings are also given moderate significance rating, Buildings 12 is also targeted for future demolition under DA 1039/2011 (Tote C) as it would be located within the path of future car parking proposed for the site. This leaves Tote A and B under DA 1039/2011 to be retained.

Building 7 (Former Ledger Totaliser) and Building 16 (Tote A) were both constructed in 1925 and designed by Robertsons and Mark. They are duplicate buildings, similar in design and retain almost identical symmetrical frontages. The CMP describes Building 7 as being in poor condition, while Building 16 in fair condition. An independent assessment of the structural soundness and conditions of these buildings has not bee provided for.

Although the loss of Building 7 would remove significant fabric from the overall site that collectively contributes to the heritage significance of Warwick Farm Racecourse, it is considered that the loss could be supported if it means that other buildings are retained and re – used.

The proposal is considered acceptable with respect of Clause 5.10 of the LLEP 2008 as the proposed stock and sale yard facility will be used to complement the warwick farm racecourse within an immediate locality characterised by equine industry and is therefore reinforcing the overall significance of the site by its intensified use and addition of equine facilities.

Clause 7.6 Environmentally significant land

The site is identified as being partly containing environmentally significant land, specifically being the south-western portion of the site classified as the riparian buffer adjoining the Georges River. The aims of this clause are:

(a) to maintain bushland, wetlands and wildlife corridors of high conservation value,

(b) to identify areas of significance for revegetation to connect to or buffer bushland, wetlands and wildlife corridors,

(c) to protect rare and threatened native flora and native fauna,

(d) to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.

The proposal is accompanied by a Flora & Fauna Impact Assessment Report prepared by UBM Ecological Consultants Pty Ltd dated 27 January 2011 which has made an assessment of the need to protect and preserve the environmentally significant land.

The assessment includes a number of recommendations as follows:

- The retention of ~2 ha of River Flat Eucalypt Forest within the Study Area and any additional areas of vegetation as is practical within the context of the development.
- The retention of habitat trees as is practical, especially those with hollows.
- Where habitat trees cannot be retained, existing hollows are to be excised and relocated within the Riparian Zone and/or adjoining woodland. These should be placed high next to and on forks in existing trees. Where this is impractical nest boxes should be erected.
- Further investigation into the minimum area of riparian vegetation required to ensure

river bank stability will be needed.

- Further investigation into the requirement for an asset protection zone and potential impact on environmental constraints on site.
- The implementation of a vegetation management plan to guide rehabilitation efforts within those areas proposed for retention.

Furthermore, the proposal includes a Surface Water Management Design to manage the impact on water quality, stream flow and the functions of aquatic ecosystems, in addition to the creation of the riparian zone and the gazetted rezoning of this area to RE1 Public Recreation which creates the potential for public access to, and use of, the Georges River and its foreshores.

Clause 7.7 Acid sulfate soils

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The land is identified as being affected by Class 4 and Class 5 Acid Sulfate Soils.

In this regard, a Geotechnical Assessment has been prepared for the subject site by SMEC Testing Services Pty Ltd, dated April 2011 which includes an Acid Sulfate Soils Assessment.

The findings of the geotechnical assessment are based on field observations whereby six (6) soil samples were selected for laboratory analysis. In order to assess the significance of the acid sulfate soil potential, the laboratory results were compared to action criteria contained in the Acid Sulfate Soils Manual (1998). The action criteria trigger the need to prepare an acid sulfate soil management plan and are based on the percentage of oxidisable sulphur for broad categories of soil types. Based on the testing undertaken, an action criteria value has not been exceeded for any of the soil samples tested. The acid sulfate soil assessment relevantly concludes that an acid sulfate soil management plan is not required for the proposed development.

Clause 7.8 Flood planning

The subject land is identified as being part low, part medium, and part high risk flood affected according to Councils current GIS mapping. This clause therefore requires consideration of the following:

Development consent must not be granted to development on flood prone land (other than development for the purposes of residential accommodation) unless the consent authority is satisfied that the development:

(a) will not adversely affect flood behaviour and increase the potential for flooding to detrimentally affect other development or properties, and

(b) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment, and

(c) will enable the safe occupation and evacuation of the land, and

(d) will not have a significant detrimental affect on the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of any riverbank or watercourse, and

(e) will not be likely to result in unsustainable social and economic costs to the flood affected community or general community as a consequence of flooding, and

(f) if located in the floodway, will be compatible with the flow of flood waters and with any flood hazard on that floodway.

A Cumulative Flood Impact Assessment dated 12 April 2012 has been prepared for a number of development proposals within the Warwick Farm Racecourse precinct, which includes the stock and sales yard proposed under this application.

The post development flood impact map obtained from the cumulative impact assessment indicates that there are minor increases in flood levels on the north of Governor Macquarie Drive. There is negligible increase in flood levels on the south of Governor Macquarie Drive and adjacent to the

proposed Home Improvement Centre (DA-1321/2011). There are significant reductions in flood levels on the northern side of Hume Highway. The cumulative flood impact assessment has confirmed that all flood level increases are confined to the land owned by ATC.

The calculation of flood storage below 1% AEP flood confirms that the development does not involve loss of floodplain storage. The flood storage compensatory works shall be carried out as indicated in Revised Flood Risk Assessment Report for Proposed Inglis Sales Centre Relocation, Warwick Farm by SEEC dated 18 November 2011.

Councils flood engineers have reviewed the flood impact report and cumulative impact assessment submitted with the documentation and raise no objections to the carrying out of the development subject to conditions. The proposed development is therefore acceptable in relation to flood planning subject to the imposition of conditions.

6.2 Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument

No draft environmental planning instruments apply to the site.

6.3 Section 79C(1)(a)(iii) - Provisions of any Development Control Plan

Liverpool Development Control Plan Parts 1.1 and 1.2 apply to the development. Parts 1.1 and 1.2 prescribe general controls for all development. The main requirements are summarised in the following table:

Standard	Requirement	Proposed	Complies
	Part 1.1 – General Co	ontrols for all Development	
Clause 2 Tree Preservation	Applies to the protection of trees that contribute to the Liverpool LGA and the protection of significant vegetation.	The proposal involves removal of a number of trees in order to accommodate the proposed development. The application is accompanied by an Arboricultural Impact Assessment Report prepared by The Arborist Network dated 13 April 2011. The report provides the following assessment with respect of the proposed tree removal: <i>Excluding trees that are in the riparian zone and were not included in this tree survey there are 396 trees. 278 trees are proposed for removal in order to allow for the development and an additional 40 trees are in less than fair health and are recommended for removal primarily on management grounds.</i> <i>Trees 86, 87, 89, 96, 289, 291, 293, 294, 298, 300 are marked for retention and protection but are in less than fair condition. Whilst it may be tempting to consider removing these trees whilst ever they do not pose an abnormal Risk of Harm2 and they do not adversely impact on the development there is merit in retaining these trees for their habitat and</i>	Yes

		ecological values.	
		The proposed development requires significant bulk earth works and end built forms. As a result the vast majority of the trees within the development footprint will need to be removed and will be replaced as a part of the landscape works. The loss of trees is common as a part of development and is inevitable in a development of this scale and size.	
		As with all development the benefit provided by the development and its compliance with the statutory restraints has to be weighed against such things as tree loss. Given the relatively young age of most of the trees and the indented landscape works along with the restoration of the riparian area, the loss of trees canopy is certainly only short term and in the longer term the canopy cover is likely to be better than it is at current and also probably made up of more appropriate species. In this instance weight also needs to be given to the benefits associated with restoration of the riparian area.	
		Councils landscape officer has reviewed the proposed tree removal and associated arborist assessment and raises no objection to the proposed works subject to compliance with the recommendations of the report.	
Clause 3 Landscaping and incorporation of existing trees	Landscaping planting shall be principally comprised of native species. Provide an integrated streetscape appearance with an appropriate mix of canopy trees, shrubs and ground cover in appropriate locations having regard to safe ingress and egress of pedestrians and vehicles.	The proposed development is accompanied by a Landscape Masterplan and a comprehensive landscape scheme prepared by James Pfeiffer Landscape Architects. The landscape masterplan identifies the following recommendations which have been incorporated into the overall landscape scheme for the site: - Enhance the landscape value of Warwick Farm Racecourse in order to strengthen the viability of the equine land use, which has been employed at this site since 1888.	Yes
		- Adopt Council's requirement for a 40 metre wide Asset Protection Zone along Georges River and restore the	

		 naturally occurring Vegetation Community. Recognize, retain, and enhance the 'rural style' landscape qualities of the study area and reinforce the views out of the study area into the racecourse. The landscape should be allowed to change and develop in response to changing needs and economic imperatives, as it has already undergone continuous change over the last 100 or so years in order to remain viable. Future development must preserve and maintain a significant tree canopy in order to enhance the local natural landscape character setting, by replacing existing trees which need to be removed to accommodate the architectural design. Reinstate an avenue of trees, using tree species, which suited to the environment and a crowded site. A combination of native Australian evergreen tree species and deciduous tree species is considered appropriate in order to reflect the character and validity of past landscape concentrate the evergreen, Australian native tree species, in the perimeter of the development in order to blend the visual and ecological transition from the study area into the surrounding landscape. Where appropriate tree species, which are endemic to the study area, should be used in order to foster environmental diversity and provide habitat for endemic fauna species. Interpret the existing remnant railway platform in the proposed landscape. Council's landscape officer has reviewed the landscape masterplan and agrees that the landscape documentation provides design concepts and species which appear appropriate in the historical context of the Racecourse. 	
Clause 4 Bushland and Fauna Habitat Preservation	Applies generally to specific zones.	The development is accompanied by a Flora & Fauna Impact Assessment Report prepared by UBM Ecological Consultants Pty Ltd dated 27 January	Yes

Bush Fire Risk bushfir	prone land and bushfire prone land. The development t requires bushfire is accompanied by a Bushfire
Clause 5 Applies	Coouncils Natural Environment Officer has reviewed the documentation and raised no objection to the proposed development subject to compliance
	The development is accompanied by a number of specialist reports which identify appropriate measures for retention and protection of bushland, specifically protection and revegetation of a 40 metre riparian buffer along the Georges River boundary and measures to address soil erosion and siltation.
	required to ensure river bank stability will be needed. - Further investigation into the requirement for an asset protection zone and potential impact on environmental constraints on site. - The implementation of a vegetation management plan to guide rehabilitation efforts within those areas proposed for retention.
	 Where habitat trees cannot be retained, existing hollows are to be excised and relocated within the Riparian Zone and/or adjoining woodland. These should be placed high next to and on forks in existing trees. Where this is impractical nest boxes should be erected. Further investigation into the minimum area of riparian vegetation
	 The retention of ~2 ha of River Flat Eucalypt Forest within the Study Area and any additional areas of vegetation as is practical within the context of the development. The retention of habitat trees as is practical, especially those with hollows.
	2011 which has made an assessment of the need to protect and preserve the bushland having regard to the aims of this policy. The assessment includes a number of recommendations as follows:

	hazard reduction.	 Protection Assessment prepared by Travers Bushfire & Ecology dated 19 April 2011. The report indicates that bushfire risk posed to the development can be mitigated with appropriate Asset Protection Zones (APZ's) implemented and managed in perpetuity: The assessment makes the following recommendations: Defendable space in accordance with Appendix 3 of Planning for bush fire protection 2006 (PBP) Construction of the buildings in accordance with AS 3959 (2009) Assurance of onsite safety through the implementation of an emergency incident and evacuation plan approved by the RFS Compliance with access and egress as per Section 4.1.3 of PBP The development has been designed in compliance with the above recommendations and is considered acceptable subject to the 	
		implementation of the identified	
	Ctormulator ducing	bushfire hazard reduction measures.	Vaa
Clause 6 Water Cycle Management	Stormwater drainage concept plan required to be submitted.	A Surface Water Management Report accompanies the application along with detailed stormwater drainage modelling. Drainage is proposed to be designed in accordance with Councils codes and policies, with engineering details to be submitted and approved prior to the release of any Construction Certificate. The development has been reviewed by Councils Development Engineers and no objections were raised subject to the imposition of conditions.	Yes
Clause 7 Development near Creeks and Rivers	Applies to land that may impact upon a watercourse or the removal of riparian vegetation.	 A Riparian Vegetation Management Plan has been prepared for the remnant bushland on the Georges River by UBM Ecological Consultants Pty Ltd which includes recommendations for the protection of the remnant native vegetation along the Georges River and a management program which addresses the following: Protection, rehabilitation, restoration and future management of the degraded remnant EEC River-flat Eucalypt 	Yes

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	Forest within the subject site;
	Weed invasion; providing serious
	threats to the survival of the
	remaining native tree canopy. Destruction of the native shrub
	and ground cover strata is already
	advanced;
	 Soil management issues, including
	deposition of soil/silt on the
	riverbanks, periodic flooding,
	pollutants (e.g. weed seed), and
	riverbank erosion;
	Drainage issues, particularly
	stormwater and other types of
	polluted (high nutrient) runoff likely
	to arise from stables, new service
	areas and the like. Polluted runoff
	changes soil structure and soil
	chemistry, thereby encouraging
	the establishment and persistence of introduced weeds;
	 Inappropriate activities, including
	fragmentation of bushland by
	horse exercising and vehicular
	tracks, and dumping of unwanted
	materials;
	Management of edges sites and
	buffers, including the
	development/bushland interface,
	location of proposed new service
	road at the interface, with possible
	landform changes;
	Impact of adjoining land uses e.g.
	location of unmaintained weed and
	rubbish stockpiles, composting areas, machinery sheds and other
	service facilities;
	 Feral animals control.
	The recommendations of the Riparian
	Vegetation Management Plan are
	proposed to be carried out over a
	period of five years.
	Civen the works are prepared within
	Given the works are proposed within an identified watercourse, the
	an identified watercourse, the application is subject to the provisions
	of Section 91 of the Environmental
	Planning and Assessment Act 1979.
	The proposal is defined as an
	integrated development as a
	controlled activity approval is required
	to be obtained pursuant to Chapter 3
	Part 3 Division 1 Section 91 of the Water Management Act 2000. The
	water wanayement Act 2000. THE

Clause 8 Erosion and	Soil and water management plan or	 development involves works that are carried out within 40 metres of the Georges River therefore a Controlled Activity Approval is required. Council received General Terms of Approval (GTA) from the Office of Water dated 12 June 2012. The GTA's are incorporated into the conditions of consent. An Erosion and Sediment Control Plan and Concept Surface Water 	Yes
Sediment Control	erosion and sediment control plan required to be submitted.	Management Plan been provided to minimise any potential impacts of runoff. Erosion and sediment control is proposed in accordance with Councils codes and policies, with engineering details to be submitted and approved prior to the release of any Construction Certificate.	
Clause 9 Flooding Risk	Applies to flood prone land.	The subject land is identified as being part low, part medium, and part high risk flood affected according to Councils current GIS mapping. A Cumulative Flood Impact Assessment dated 12 April 2012 has been prepared for a number of development proposals within the Warwick Farm Racecourse precinct, which includes the stock and sales yard proposed under this application. The post development flood impact map obtained from the cumulative impact assessment indicates that there are minor increases in flood levels on the north of Governor Macquarie Drive. There is negligible increase in flood levels on the south of Governor Macquarie Drive and adjacent to the proposed Home Improvement Centre (DA-1321/2011). There are significant reductions in flood levels on the northern side of Hume Highway. The cumulative flood impact assessment has confirmed that all flood level increases are confined to the land owned by ATC. The calculation of flood storage below 1% AEP flood confirms that the development does not involve loss of floodplain storage. The flood storage compensatory works shall be carried out as indicated in Revised Flood Risk Assessment Report for Proposed	Yes

[Inglia Salas Contro Delegation]
		Inglis Sales Centre Relocation, Warwick Farm by SEEC dated 18 November 2011.	
		Councils flood engineers have reviewed the flood impact report and cumulative impact assessment submitted with the documentation and raise no objections to the carrying out of the development subject to conditions. Accordingly, the proposed road works are considered satisfactory with respect of this clause.	
Clause 10 Contamination Land Risk	Applies to potential or actual contamination or known past or current specific land uses.	The development application is accompanied by a Contamination Assessment prepared by SMEC Testing Services Pty Ltd dated January 2010.	Yes
		The assessment report has identified based on site investigation and laboratory testing, that some elevated levels within two spot locations being the rail corridor and part of the re- fuelling area which requires remediation works. However the assessment concluded that the majority of the site produced acceptable results with respect of soil health. In consideration of the above, providing that the area of the site with the elevated levels is remediated, it is considered that the site is suitable for the proposed land use.	
		A Remediation Action Plan (RAP) dated April 2010 has been prepared by SMEC Testing Services Pty Limited detailing the method and requirements of the remediation required to be prepared. The inspected material has been estimated to comprise about 100 tonnes and will be excavated and disposed of off-site. Furthermore, the Contamination Assessment noted that once the appropriate remediation has been undertaken, it will be necessary to validate the area to ensure remediation has been successful.	
		Council's Environmental Health Officer's concurred with the assessment findings that the site is suitable for the proposed development subject to the areas of the site with the elevated levels being remediated. Conditions have been included within	

			1
		the draft conditions of consent requiring remediation works to be undertaken and the submission of a validation report confirming the sites suitability for the development. The proposed development is thus considered satisfactory with respect of this clause.	
Clause 11 Salinity Risk	Salinity management plan required for high risk activities in salinity affected areas.	A Geotechnical Assessment has been prepared for the subject site by SMEC Testing Services Pty Ltd, dated April 2011 which includes a Salinity Risk Assessment. The report indicates the following findings: <i>Existing site conditions were</i> <i>assessed by ECe concentrations for</i> <i>the onsite natural materials. Analytical</i> <i>results are summarised in Table 6.1 of</i> <i>the Geotechnical Assessment. The</i>	Yes
		available information indicates that: - The onsite surface soils are non and lightly saline; - Groundwater has marginal salinity;	
		- Salinity is not expected to impact on the site development;	
		- Management measures including topsoiling and revegetation procedures, adequate drainage design, suitable landscaping designs, restrictions on irrigation and rainwater absorption tanks and selection of appropriate building designs and materials should be implemented to minimise potential impacts.	
		In this regard, subject to the management measures outlined above, the development is considered suitable for the subject site.	
Clause 12 Acid Sulfate Soils	Applies to land with potential acid sulfate soils.	A Geotechnical Assessment has been prepared for the subject site by SMEC Testing Services Pty Ltd, dated April 2011 which includes an Acid Sulfate Soils Assessment.	Yes
		The findings of the geotechnical assessment are based on field observations whereby six (6) soil samples were selected for laboratory analysis. In order to assess the significance of the acid sulfate soil potential, the laboratory results were compared to action criteria contained in the Acid Sulfate Soils Manual	

		(1998). The action criteria trigger the	
		(1998). The action criteria trigger the need to prepare an acid sulfate soil management plan and are based on the percentage of oxidisable sulphur for broad categories of soil types. Based on the testing undertaken, an action criteria value has not been exceeded for any of the soil samples tested. The acid sulfate soil assessment relevantly concludes that an acid sulfate soil management plan is not required for the proposed development.	
Clause 13 Weeds	Weed management strategy required to be submitted if site contains native weeds.	A Riparian Vegetation Management Plan has been prepared for the remnant bushland on the Georges River by UBM Ecological Consultants Pty Ltd which includes recommendations for the protection of the remnant native vegetation along the Georges River and a management program which addresses weed invasion of the remaining native tree canopy.	Yes
Clause 14 Demolition of Existing Developments	Demolition to comply with AS2601-1991.	The proposal involves the demolition of a number of existing buildings as part of the proposal. Appropriate conditions have been imposed to address demolition process.	Yes
Clause 15 On-site sewerage disposal	Applies to land with no access to reticulated sewer system.	The subject land has access to services.	N/A
Clause 16 Aboriginal Archaeology	Applies to land identified as having known or potential Aboriginal archaeological significance.	The subject land is not identified as having any Aboriginal archaeological significance.	N/A
Clause 17 Heritage	Applies to heritage items of land in the vicinity of a heritage site, conservation area or archaeological site.	A Statement of Heritage Impact has been prepared by Graham Brookes and Associates, dated March 2011 for the proposed development. The proposal lists a number of items proposed to be removed as part of the overall development. The Statement of Heritage Impact provides the following conclusion in respect of heritage impact: - Warwick Farm Racecourse is listed as an item of local heritage significance in Schedule 5 of the Liverpool LEP 2008. - The primary heritage significance of Warwick Farm Racecourse is its active use as an equine related	Yes
		cultural landscape. The dominant feature of the listed heritage item is	
 the racetrack. The construction of the proposed Inglis Sales Centre, in the south east corner of the racecourse site, requires the demolition of all existing built structures in this area. The Warvick Farm Racecourse site, in its entirety, is a listed heritage iterm. Whiles to me existing site components will be lost as a result of the proposed development the overall significance will be reinforced and secured in the long term. The heritage impact of the loss of built fabric and landscape elements can be mitigated by the preparation of an archival photographic record and the implementation of site interpretation. The proposed development is consistent with the heritage requirements and guidelines of the Liverpool LEP 2008 the Liverpool DCP 2008 and the Australian Jockey Club Limited Warvick Farm Properties Conservation Management Plan (Warvick Farm CMP) volume 2: Description and provisions of the site they must be managed under the Archaeological provisions of the Site they must be distant and provides the following comments: The above demolition (DA 1089/2011) is considered acceptable and in accordance with the Conservation Management Plan (CMP) (Volume 3) prepared by Graham Brooks and Associates Pl. As recorded and assessed in the Conservation Management Plan (CMP) (Volume 3) prepared by Craham Brooks and Associates Pl. As recorded and assessed in the Conservation Management Plan (CMP) (volume 3) prepared by Craham Brooks and Associates Pl. As recorded and assessed in the CMP, most of these buildings are of iow heritage significance and this view is supported. 	 		
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Totaliser is described in the CMP as having moderate significance. The building is currently used as a workshop.
The past modifications to this building including removal of a sign board, insertion of a roller door at the rear, addition of a metal awning and remove of internal walls. The building was constructed in 1925 is an aesthetically pleasing structure and consideration could have been given to its adaptive re – use.
Staff discussion since the initial heritage comments were provided has considered allowing the removal of Building 7 if a similar building(s) could be retained. There exists 3 other totaliser buildings at Warwick Farm Racecourse which are not located on the Inglis site but on the adjoining site to be developed as a car park to the west of the Inglis site (refer attachment photos from the Date Sheets). These are Building 12 Totaliser C, Building 16 Totaliser A and Building 22 Totaliser B. While these buildings are also given moderate significance rating, Buildings 12 is also targeted for future demolition under DA 1039/2011 (Tote C) as it would be located within the path of future car parking proposed for the site. This leaves Tote A and B under DA 1039/2011 to be retained.
Building 7 (Former Ledger Totaliser) and Building 16 (Tote A) were both constructed in 1925 and designed by Robertsons and Mark. They are duplicate buildings, similar in design and retain almost identical symmetrical frontages. The CMP describes Building 7 as being in poor condition, while Building 16 in fair condition. An independent assessment of the structural soundness and conditions of these buildings has not bee provided for.
Although the loss of Building 7 would remove significant fabric from the overall site that collectively contributes to the heritage significance of

		Warwick Farm Racecourse, it is considered that the loss could be	
		supported if it means that other	
		buildings are retained and re – used.	
		The development is considered	
		appropriate as the proposed stock and	
		sale yard facility will be used to	
		complement the warwick farm	
		racecourse within an immediate locality characterised by equine	
		industry and is therefore reinforcing	
		the overall significance of the site by	
		its intensified use and addition of	
		equine facilities.	
Clause 18	Development to be notified	The development application was	Yes
Advertising	/ advertised.	advertised in accordance with LDCP	
		2008. Submissions are addressed in	
		detail further within this report.	
Clause 2	Car parking to be provided	Controls for Development Car parking is provided under	Yes
Car Parking	in accordance with the	separate application DA-1309/2011	165
and Access	following; and also to	which proposes upgrade of the	
	comply with Australian	existing warwick farm racecourse car	
	Standards for design and	park facility to provide 832 car parking	
	access.	spaces to service both the racecourse	
		and the stock and sales yard.	
		The second section is a second section to be	
		The application is accompanied by a	
		Traffic Study report prepared by Aurecon Australia dated 18 April 2011.	
		Traffic assessment is canvassed in	
		detail further within this report.	
Clause 4	The objectives of this	A Concept Surface Water	Yes
Water	clause are:	Management Plan has been prepared	
Conservation	a) To reduce per-capita	by SEEC dated 15 April 2011 which	
	mains consumption of potable water.	details stormwater runoff control, capture and reuse, including water	
	b) To harvest rainwater and	quality management in accordance	
	urban stormwater runoff for	with Council guidelines.	
	use.	j ř	
	c) To reduce wastewater	The Landscape Scheme for the	
	discharge.	subject site and the Landscape	
	d) To capture, treat and	Masterplan Report prepared by James	
	reuse wastewater where	Pfeiffer details water efficient plants	
	appropriate. e) To safeguard the	and indigenous vegetation selected for landscaping.	
	environment by improving	ion and soaping.	
	the quality of water run-off.	An Authority Services and Waste	
	f) To ensure infrastructure	Water Management report prepared	
	design is complementary to	by Northrop indicates that recycled	
	current and future water	water is available to service the	
	use.	landscape water requirements for the	
		development.	
		Furthermore, the application has been	
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for me coolin b) To gas e c) T comfo tempe withinClause 7 Waste Disposal and Re-use FacilitiesA Waste (WMF with Applic activit The M Demo and	reduce the necessity echanical heating and ng. minimise greenhouse missions. To provide thermal	referred to Sydney Water for their comments and no objections were raised, subject to the imposition of conditions requiring for a Section 73 Compliance Certificate to be issued for the development. A Sustainability Design Brief and Energy Efficiency Report prepared by Northrop has been submitted with the proposed development. The report details the control of mechanical space heating and cooling by designing heating/cooling systems, passive solar design, hot water systems and water saving devices.	Yes
Energy Conservationclause a) To for me coolin b) To gas e c) T comfo tempe withinClause 7 Waste Disposal and Re-useA Was (WMF Mither Applic activit The Mither Demo and	e are: reduce the necessity echanical heating and ng. minimise greenhouse missions. o provide thermal ort by minimising erature variations	Energy Efficiency Report prepared by Northrop has been submitted with the proposed development. The report details the control of mechanical space heating and cooling by designing heating/cooling systems, passive solar design, hot water	Yes
Waste (WMF Disposal and with Re-use Applic Facilities activit The N Demo and		The report further indicates that predicted carbon emissions performance is equivalent to 171kgCO2/m2/annum which demonstrates that the building can achieve no less than 4 stars NABERS Energy.	
	ste Management Plan P) shall be submitted a Development cation for any relevant ties generating waste. WMP is to address: olition, Construction, On-going waste agement.	A Waste Management Plan prepared by Lean & Hayward Pty Ltd dated April 2011 has been submitted with the proposal which includes the following measures: Waste generated during the demolition and construction phase of this development will generally include concrete, timber, metal, plastic and potentially asbestos products given the age of some of the structures proposed to be demolished. These materials will be either recycled offsite, sent to the landfill or in the case of asbestos, collected by contracted asbestos removalists. Green waste produced onsite has the potential to be recycled and used as composting or horticulture for the sites green areas and gardens. During sale periods, stable waste will need to be collected each day into 303 240L wheelie bins (1 bin per 3 stalls) and taken to the collection point. The waste will be collected daily by a private contractor so no stable waste will be stored on site overnight. All medical waste will be placed into	Yes

receptacles/containers and will be collected by contracted medical waste removalist.
For general waste, food waste and recyclables generated from the office, accommodation and hospitality components of the selling centre, a commercial waste contractor will be used to collect the waste.
The development is considered satisfactory with respect of waste management.

6.4 Section 79C(1)(a)(iv) – The Regulations

The EP&A Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). Conditions of consent have been imposed requiring compliance with the BCA.

6.5 Section 79C(1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

The scale, density, and built form is considered appropriate with respect of the context of the site and the equine character of the immediate locality. The development presents as a high quality architectural built form and does not result in any adverse impacts to the built environment as demonstrated in this report. The development is not considered to result in unreasonable amenity impacts to surrounding lands and will result in a positive contribution to the streetscape of Governor Macquarie Drive and will complement the existing heritage listed Warwick Farm racecourse.

Potential impacts are discussed in further detail as follows:

Traffic

The application is accompanied by a Traffic Study report prepared by Aurecon Australia dated 18 April 2011 which examines the existing traffic situation, the proposed development, future traffic and transport situation, and the traffic and transport impacts in relation to road network, pedestrian / cyclists, public transport, adjacent land uses and car parking.

The traffic impact report provides the following assessment:

Road network

With the proposed developments including the Warwick Farm Selling Centre, the predicted performance of the Hume Highway and Munday Street intersections with Governor Macquarie Drive in 2023 is better than the existing performance of these intersections, with the proposed capacity improvements along Governor Macquarie Drive and at the Governor Macquarie Drive/Hume Highway intersection. The existing performance of the Governor Macquarie Drive/Epsom Road/Abingdon Street intersection would deteriorate to LOS D during the afternoon peak hour period if the predicted growth in traffic eventuates.

Pedestrian and cyclists

The proposed Warwick Farm Selling Centre would not have any significant impacts on pedestrians and cyclists since no pedestrians and cyclists facilities are currently available immediately adjacent to the site. The proposed traffic signals at the Governor Macquarie Drive/Munday Street intersection would have the potential to provide signalised crossings at this intersection. A shared pedestrian/cycle path will be provided to connect the proposed Warwick Farm Selling Centre with Warwick Farm Railway Station and Hume Highway as part of the Voluntary Planning Agreement (VPA) requirement.

Public transport

The proposed Warwick Farm Selling Centre would not have any significant impacts on buses since no bus routes are currently available along Governor Macquarie Drive. The proposed improvements to Hume Highway and Governor Macquarie Drive intersection would have the potential to improve the performance of this intersection. As a result of this, the travel time and the reliability of the buses travelling along the Hume Highway would improve.

Adjacent landuses

The proposed improvements to Governor Macquarie Drive and Hume Highway/Governor Macquarie

Drive intersection as part of the Warwick Farm Rezoning Proposal would have the potential to improve performance of the intersection located immediately adjacent to the site. This would have the potential to provide benefits to the adjacent landuses.

Based on the information provided in the Warwick Farm Industrial & Stabling Rezoning Proposal TIA, no sales days will be scheduled on race meeting days. Therefore, the operation of the proposed Warwick Farm Selling Centre would not have an impact on the operation of Warwick Farm Racecourse

Car Parking

Based on the estimated arrival and departure patterns on a major sales day, a maximum of 516 car parking spaces are required for the Warwick Farm Selling Centre on a major sales day. The proposed car park would provide 900 parking spaces for Warwick Farm Selling Centre usage on sales days. Therefore, parking demand generated from the proposed Warwick Farm Selling Centre could be accommodated on site and no impact on on-street parking is expected as a result of this development.

The report makes the following conclusions with respect of traffic impact as a result of the proposed warwick farm selling centre:

- No growth in AADT occurred along the major roads located adjacent to the proposed Warwick Farm Selling Centre site between 1996 and 2005. However, the growth rates adopted in the Warwick Farm Industrial and Stabling Rezoning TIA were adopted to predict the future traffic volumes, to be consistent with the rezoning application.
- The existing performance of the intersections that are situated within the study area is generally assessed as being unacceptable during the morning and afternoon peak hour with the exception of the Governor Macquarie Drive/Epsom Road/Abingdon Street intersection. The current performance of the Governor Macquarie Drive/Epsom Road/Abingdon Street intersection is acceptable during the peak periods.
- With the proposed developments including the Warwick Farm Selling Centre, the predicted performance of the Hume Highway and Munday Street intersections with Governor Macquarie Drive in 2023 is better than the existing performance of these intersections with the capacity improvements along Governor Macquarie Drive and at the Governor Macquarie Drive/Hume Highway intersection. The future performance of the Governor Macquarie Drive/Epsom Road/Abingdon Street intersection would deteriorate to LOS D in 2023 during the afternoon peak hour if the predicted growth in traffic eventuates.
- The proposed Warwick Farm Selling Centre would not have any significant additional impacts on pedestrians and cyclists since no pedestrians and cyclists facilities are currently available immediately adjacent to the site. The proposed traffic signals at the Governor Macquarie Drive/Munday Street would have the potential to provide signalised crossings at this intersection.

- The proposed Warwick Farm Selling Centre would not have any significant impacts on buses since no bus routes are currently available along Governor Macquarie Drive.
- The proposed improvements to Governor Macquarie Drive and Hume Highway/Governor Macquarie Drive intersection as part of the Warwick Farm Rezoning Proposal would have the potential to improve performance of the intersection located immediately adjacent to the site. This would have the potential to provide benefits to the adjacent landuses. Based on the information provided in the Warwick Farm Industrial & Stabling Rezoning Proposal TIA, no sales days will be scheduled on race meeting days. Therefore, the operation of the proposed Warwick Farm Selling Centre would not have an impact on the operation of Warwick Farm Racecourse
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- It is expected that vehicles carrying horses would arrive at the proposed Warwick Farm Selling Centre at a location where the access to the site will be controlled at Governor Macquarie Drive. The method of controlling the proposed access needs to be developed to minimise the potential for queuing along the Governor Macquarie Drive and to prevent blocking vehicles travelling along Governor Macquarie Drive.
- Since B-Doubles and articulated vehicles will occupy both carriageways when turning at the corners of the service road and to minimise conflict between the turning vehicles at the corners, it is recommended to provide a one way traffic movement along service roads. It should be noted that the proposed one-way arrangement would not be able to accommodate B-Double movements around the service road, which is expected to occur less than 10 movements per year. Therefore, traffic control should be provided to stop northbound traffic movements along the north-east section of the service road when the B-Doubles leave the truck parking area to use the eastern service road to access Governor Macquarie Drive.
- The proposed one-way service road arrangement would have the potential to reduce the conflicts at the coach/taxi access to Warwick Farm Selling Centre which includes a complex intersection arrangement.
- Allowing the right turn from Governor Macquarie Drive into Service Road would have the
 potential to cause delays for vehicles travelling on Governor Macquarie Drive and cause
 safety issues due to limited road width across the bridge over the Georges River, preventing
 the provision of an adequate right turn bay. Controlled access and a right turn bay on
 Governor Macquarie Drive are not proposed at this location. The proposed roundabout at
 the main entrance to the Selling Centre provides the opportunity for vehicles to turn around
 to enter the Selling Centre via a left turn. In this regard, the roundabout needs to
 accommodate the U-turn swept path of a B-Double.

The development application was referred to the Roads and Maritime Services (RMS) on 4 August 2011 for review and approval as part of the Liverpool LLEP Amendment No. 18 and pursuant to lodgement of the current application. Council received comments from RMS on 3 September 2012 providing their approval of the proposed development subject to conditions.

Furthermore, Councils Traffic Engineers have considered the proposed development and raise no objections subject to the inclusion of conditions of consent. In consideration of the above, the proposal is considered acceptable based on traffic grounds, by virtue of the associated improvements to the overall local traffic network and upgrades to pedestrian / cycle access.

Noise

A noise impact assessment for the proposal has been carried out by Marshall Day Acoustics dated 13 April 2011. The assessment included background noise monitoring undertaken at a location

representative of the nearest noise sensitive receivers located on Ascot Drive and Shore Street. Noise assessment for the various stages of the proposal include construction noise, operation noise, and ongoing use.

The noise impacts associated with the construction phase are addressed in the report as follows:

Noise emissions associated with the construction of the development have been assessed in accordance with the Department of Environment, Climate Change and Water's (DECCW) Interim Construction Noise Guideline. The construction noise management levels will be exceeded during the demolition, site preparation and general construction phases. It should be noted that an exceedance of the construction noise management levels is not considered a non-compliance but acts as a trigger point at which consultation with the community is required.

The management of work practices should include:

- · Community notification and consultation
- · Operation of plant in a quiet and efficient manner through programming, maintenance and using all feasible and reasonable mitigation measures
- · Involve workers in minimising noise and vibration
- · Handle complaints in a prompt and responsive manner and keep responsible staff informed.

Given that construction noise is for a temporary period and can be managed appropriately, it is considered that any noise results from construction work will not result in unreasonable or ongoing amenity impacts.

The noise impacts associated with the operation phase are addressed in the report as follows:

Noise emissions associated with the operation of the WFSC have been assessed in accordance with the DECCW's Industrial Noise Policy (INP), Environmental Criteria for Road Traffic Noise (ECRTN), sleep disturbance criteria, and the NSW Office of Liquor Gaming and Racing (OLGR) criteria.

The assessment indicates that treatment is required for the following mechanical services items:

- · Sales Ring Toilet Extract Fans
- · Plantroom air intake
- · Kitchen Extract Fans servicing the Hospitality Suites and Sales Ring
- · Chiller servicing the Sales Ring.

Noise emissions from car parking, loading dock activity, the truck wash, coaches and mechanical services have been found to comply with the noise criteria at the nearest noise sensitive receivers provided the recommended noise control treatments within this report are accordingly implemented.

Noise emissions from service vehicles and horse transport vehicles will exceed the INP criteria at residences located to the east of the site along the Georges River. It is recommended a noise management plan be put in place to ensure the community is informed of events and activities.

Maximum noise levels from service vehicles, horse transport vehicles and loading dock activity comply with the ECRTN criterion for sleep disturbance at the nearest noise sensitive receivers.

A maximum output for the PA system has been specified to ensure noise emissions at the nearest residences are within the derived OLGR criteria. Noise emissions from patrons in outdoor areas is not expected to be audible within habitable rooms of the nearest noise sensitive receivers.

The increase in noise as a result of increased traffic flow due to the proposed development are below the 2dBA increase limit recommended by the ECRTN.

Based on the above findings, we conclude that noise emissions from the proposed development can be managed to minimise the impact on the nearest noise sensitive receivers.

Councils health officer has reviewed the proposed development and raised no objections to the carrying out of the construction work and the operations associated with the ongoing use of the premise, subject to the recommendations detailed in the report to be complied with. Appropriate conditions will be applied regarding hours of construction work and associated noise as required under the DECCW Interim Construction Noise Guideline 2009.

The noise report further recommends that the development implement a noise management plan incorporating the following:

- provide notice to all potentially affected residences of event days, times of potential noise impact and the types of noise sources
- provide contact details for a site liaison to follow up community noise complaints
- logging noise complaints detailing source, time, and duration of complaint and actions in response
- provide feedback to the community by undertaking noise monitoring during events, identify any areas where management practices can be improved.

Subject to the above assessment, the proposal is not considered to cause unreasonable noise impacts to surrounding properties.

Odour

The nature of the development being a stock and sales yard creates potential for odour sources as a result of the stable facilities intended to accommodate a maximum of 908 horses and the collection and transportation of horse manure and horse bedding. It is noted though that any potential odour impacts to adjoining properties is deemed negligible for the following reasons:

- the distance of the proposal from the closest residential receptors;
- the fact that, at most, the stables will only be used in the two weeks leading up to and during sale days, which do not occur 365 days a year;
- the vegetative buffer to the east of the stable facilities which is proposed to be enhanced and revegetated as part of the proposal;
- covered bins are proposed to be used for the storage of stable waste which will be removed from the site on a regular basis.

Notwithstanding the above, the development is accompanied by an Odour Management Plan prepared by Lean & Hayward Pty Ltd dated April 2011 outlining comprehensive management measures for odour control, which are detailed below:

- An odour complaints management system is to be maintained for the facility during its operation to meet the requirements of Section 11 (Odour Complaints Management System) of the Assessment and Management of Odour from Stationary Sources in NSW Technical Notes (2006). This management system may incorporate the following elements:
 - A hotline for receiving complaints regarding the premises;
 - A system for recording complaints and how they are dealt with;
 - Records of complaints and how operators respond or act on these complaints.
 - These records should be made readily available to the community and regulatory authorities; and

newsletter

- A system for providing feedback to the community be this in the form of a or meetings with local residents.

- The maintenance and enhancement of vegetation surrounding the site, including the riparian buffer zone to the east of the subject site;
- Manure and stable bedding to be kept in enclosed bins and/or an enclosed area prior to removal off-site;
- These stabling wastes should be removed from the site each day for use in composting or horticulture;
- Waste to be handled, stored and removed from the site in accordance with the Waste Management Plan;
- If for any reason waste is not removed on a regular basis, the waste area should be covered, to reduce the potential for odour emissions.

In consideration of the above, the development is not considered to result in any unreasonable odour impacts to surrounding properties. Therefore it is considered that the overall proposal will not adversely impact upon the natural and built environment for the reasons outlined in this report.

(b) Social and Economic Impacts

The proposed development is expected to create positive social and economic impacts in that the development will enable a higher and better use of the warwick farm racecourse which will reinvigorate the existing racecourse and contribute significantly to the established equine industry.

The resulting social and economic impacts include provision of employment both during construction phase as well as ongoing operational employment opportunities. For these reasons, the development is highly regarded and will positively contribute to the Liverpool local government area.

6.6 Section 79C(1)(c) – The Suitability of the Site for the Development

These matters have been considered in the assessment of the development application. The known site constraints are able to be mitigated through appropriate measures which will allow for the development to proceed without resulting in any adverse impacts. The proposal is suitable as it will provide an equine use in an established equine facility within the most appropriate location.

Accordingly, the site is considered suitable to accommodate the proposed development, being for demolition of existing structures and erection of stock and sale yard and associated tree removal and remediation to the subject site in the context of the site and locality.

6.7 Section 79C(1)(d) – Any submissions made in relation to the development

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

DEPARTMENT	COMMENTS
Landscape officer	Satisfactory, with recommended conditions. Refer to detailed assessment within DCP compliance table.
Heritage officer	Satisfactory, with recommended conditions. Refer to detailed assessment within DCP compliance table.
Flood engineers	Satisfactory, with recommended conditions. Refer to detailed assessment within DCP compliance table.
Traffic engineers	Satisfactory, with recommended conditions. Refer to detailed assessment earlier within this report.
Development engineers	Satisfactory, with recommended conditions.
Natural resources officer	Satisfactory, with recommended conditions. Refer to detailed assessment within DCP compliance table.

(b) External Referrals

The following comments have been received from External Authorities:

DEPARTMENT	COMMENTS
Roads and Maritime Services (RMS)	No objections raised and conditions provided to be included within attached conditions of consent.
NSW Office of Water	Council received General Terms of Approval (GTA's) from the Office of Water dated 12 June 2012. The GTA's are incorporated into the conditions of consent.

Copies of the General Terms of Approval and comments from RMS are attached to this report.

(c) Community Consultation

The development application and associated planning proposal were advertised concurrently for a period of thirty (30) days from 21 September 2011 to 22 October 2011 in accordance with Clause 72K of the EP&A Act. A total of 2 objections were received in response to the development application. The issues raised in the submission include:

- 1. Removal of trees and vegetation and potential impacts to ecological communities;
- 2. Site should be re-zoned E2 Environmental or RE1 Public Recreation; and
- 3. Potential to harm property owners in the racecourse precinct.

The following comments are made in relation to the issues raised in the submissions:

Ecological impacts have been canvassed in detail earlier within this report. The proposal is accompanied by specialist reports and documentation which demonstrates that the development may be carried out with minimal disruption to environmentally significant land and further will contribute significantly to the environment by virtue of the revegetation of the riparian buffer zone comprising protection of the remnant native vegetation along the Georges River and a comprehensive management program. A portion of the site has been re-zoned to RE1 Public Recreation which will further add to the public benefit by allowing for the use and enjoyment of environmentally significant land by the public in a responsible manner.

The development is not considered to result in any harm or unreasonable impacts to adjoining property owners in the racecourse precinct, rather, the development will reinvigorate the warwick farm recourse and create opportunities for greater use of the recreational facility.

It is considered that the proposed development by its design and use is in keeping with the existing established equine industry within the immediate locality. Furthermore, the composition of building elements, materials, textures and colours will complement the character of the warwick farm racecourse and surrounding precinct in terms of height, scale, and built form. The development has been specifically designed to suit the subject site; address the streetscape to Governor Macquarie Drive; promote good urban design and respond to the context of the area. The proposal is thus considered an acceptable and appropriate development for the subject site.

The issues raised above have been assessed in accordance with the relevant planning controls and are satisfactorily addressed within the submitted documentation and plans.

6.8 Section 79C(1)(e) – The Public Interest

The proposal will reinforce the use of the heritage listed warwick farm racecourse as well as contribute significantly to the established equine industry within the locality. The proposal will generate positive social and economic impacts by virtue of employment opportunities and the numerous improvements to public facilities to be undertaken in association with this development which include traffic improvements and environmental protection works.

The development will not result in any unacceptable amenity impacts to surrounding properties. The proposal incorporates a building of high quality that will address the surrounding public spaces and achieve a satisfactory form as presented to the immediate and wider locality.

The development satisfactorily addresses the relevant planning objectives under all the applicable legislations, State Environmental Planning Policies, and Local Environmental Planning Controls. It is therefore considered that the proposal serves the broader public interest.

7. CONCLUSION

The application has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, and the relevant Environmental Planning Instruments including the applicable State Environmental Planning Policies, Liverpool Local Environment Plan 2008, Liverpool Development Control Plan 2008, and the relevant codes and policies of Council.

The proposed development is generally consistent with the standards contained within LLEP 2008 with the exception of a variation to the floor space ratio and building height. The proposed development is accompanied by a written request seeking variation to the permitted Floor Space Ratio pursuant to Clause 4.6 of the LLEP 2008. The variation is considered justified and reasonable in the circumstances of the case and is recommended for support.

The proposal incorporates an architectural roof feature which exceeds the maximum permitted building height. This element has been satisfactorily addressed under Clause 5.6 of the LLEP 2008 and is considered acceptable in this regard.

The proposed development for a stock and sales yard is a permissible land use that is well within the context of the area and seeks to complement the heritage significance of the Warwick Farm racecourse. The high quality architectural design is appropriate for the subject site and presents well to the streetscape and surrounding public spaces.

Following detailed assessment of the proposal and consideration of the issues raised in the submissions, the development application has been assessed on its merits and is considered satisfactory. Accordingly it is recommended that the development application be approved subject to the attached conditions of consent.

8. **RECOMMENDATION**

That Joint Regional Planning Panel Sydney West Region (JRPP) approve Development Application 1089/2011 for demolition of existing structures and erection of stock and sale yard and associated tree removal and site remediation at Lot 1 DP 581034, Lot 2 DP 581034, Lot 3 DP 581034, Lot 1 DP 970591, Lot 1 DP 249818, Lot 2 DP 249818, Governor Macquarie Drive, Warwick Farm NSW 2170, being land forming part of the Warwick Farm Racecourse site, subject to the attached conditions.

9. ATTACHMENTS

- 9.1 Plans of the proposal
- 9.2 Recommended conditions of consent
- 9.3 General Terms of Approval and RMS comments
- 9.4 Council reports regarding planning proposals











