

ATTACHMENTS

9.2 Recommended conditions of consent

DEFINITIONS

AEP	Annual Exceedance Probability
BCA	Building Code of Australia
Council	Liverpool City Council
DCP	Liverpool Development Control Plan 2008
DECC	Department of Environment and Climate Change
CC	Construction Certificate
1% AEP Flood	The 1 in 100 year flood
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
LPI Service	Land and Property Information Service
OC	Occupation Certificate
PCA	Principal Certifying Authority
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RTA	Roads and Traffic Authority

A. THE DEVELOPMENT

Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:

- (a) Architectural plans prepared by Timothy Court and Company Architects as follows:

Plan No.:	Title:
24709ad0.10r	Site Masterplan
24709ad0.11b	Site Analysis Plan
24709ad0.12b	Demolition and Tree Removal Plan
24709.ad0.20a	Stage 2 Venue Elevations
24709.ad0.21a	Stage 1 Venue Elevations
24709.ad0.22a	Artists Impressions
24709.ad1.10f	Selling Centre Sales Ring Level Floor Plan
24709.ad1.11f	Selling Centre Concourse Level Floor Plan
24709.ad1.13e	Selling Centre Office Level Floor Plan
24709.ad1.15d	Selling Centre Roof Plan
24709.ad1.20d	Selling Centre Elevations
24709.ad1.21c	Selling Centre Sections
24709.ad2.10l	Typical Stables Plans
24709.ad2.20c	Typical Stables Elevations & Sections – Type 1
24709.ad2.21b	Typical Stables Elevations & Sections – Type 2
24709.ad3.10f	Hospitality Suite Plans, Elevations & Sections
24709.ad4.10e	Maintenance Shed Plan, Elevation & Sections
24709.ad5.10c	Manager's Residence Plans, Elevations and Sections
24709.ad6.10d	Entry Security Zones Plans & Sections
24709ld1.L01a	Landscape Master Plan
24709cd1.01b	Surface Water Management Plan
04.6.1.01a	Sample Materials Brochure

- (b) Specialist reports as follows:

Author:	Title:	Dated:
SMEC Testing Services Pty Ltd	Remediation Action Plan	April 2010
James Pfeiffer Landscape Architects Pty Ltd	Landscape Master Plan Statement	11 April 2011
UBM Ecological Consultants Pty Ltd	Riparian Vegetation Management Plan	18 April 2011
NORTHROP Consulting Engineers Pty Ltd	Authority Services and Waste Water Management	15 March 2011
Aurecon Pty Ltd	Proposed Warwick Farm Selling Centre Traffic Study	18th April 2011
The Arborist Network Pty Ltd	Aboricultural Impact Assessment Report	13th April 2011
Graham Brooks and Associates Pty Ltd	Statement of Heritage Impact	March 2011

UBM Ecological Consultants Pty Ltd	Flora & Fauna Impact Assessment Report	27th January 2011
SEEC	Surface Water Management Design	15th April 2011
SMEC Testing Services	Geotechnical Assessment Warwick Farm Project	April 2011
SEEC	Flood Risk Assessment	18th April 2011
Travers Bushfire & Ecology	Bushfire Protection Assessment, Warwick Farm Selling Centre, Inglis Development Site, Warwick Farm	19 April 2011
Marshall Day Acoustics Pty Ltd	Warwick Farm Selling Centre: Noise Impact Assessment	13th April 2011
City Plan Services Pty Ltd	Initial Building Code of Australia Assessment – Final Design Phase	3rd March 2011
NORTHROP Consulting Engineers Pty Ltd	Warwick Farm Selling Centre: External Lighting Design Report	10th March 2011
Lean & Hayward Pty Ltd	Odour Management Plan	April 2011
Lean & Hayward Pty Ltd	Waste Management Plan	April 2011
NORTHROP Consulting Engineers Pty Ltd	Sustainability Design Brief	April 2011
NORTHROP Consulting Engineers Pty Ltd	Energy Efficiency Report – Commercial Class 5 Spaces	5th April 2011
Cini Little Australia Pty Ltd	Resume of Food & Beverage Services Required	14th March 2011

except where modified by the undermentioned conditions.

General Terms of Approval

2. All General Terms of Approval issued by NSW Office of Water, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 12 June 2012. A copy of the General Terms of Approval are attached to this decision notice.

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Provision of Services

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

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

Fee Payments

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

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
- (c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

5. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

Dilapidation Report

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

Site Development Work

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

Notification

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

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

Driveway/Services

- 10. All driveways are to be graded in such a manner as to provide continuous surface drainage flow paths to appropriate points of discharge. In this context, these are to be into roads or swales, as appropriate, connecting into the major trunk drainage system.
- 11. Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.
- 12. Driveways are to conform to Council standard requirements for vehicle crossings as detailed in Council's Design and Construction Specifications for Subdivisions (as amended) and as per the requirements in Council's DCP.
- 13. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.

Stormwater

- 14. Stormwater is to be collected within the site and conveyed in a pipeline to the appropriate point of discharge as directed by Council and as detailed on the approved plans.

Public Road Design/Construction Within Road Reserve Areas

- 15. All roads are to be designed to be graded in such a manner as to provide continuous surface drainage flow paths to appropriate points of discharge. In this context, these are to be into their roads or swales, as appropriate, connecting into the major trunk drainage system.
- 16. Erosion and sediment control measures shall be designed in accordance with the requirements of Liverpool DCP and Council specifications, and to the satisfaction of the PCA. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the PCA.

Engineering Works

17. The structural adequacy of any retaining walls, including the hydrostatic loads caused by a full storage area should be checked and certified by a suitably qualified engineer.
18. The applicant is to provide water sensitive urban design features in the CC plans. The design is to give consideration to fine particle and nutrient treatment measures and maintenance regimes for all water quality devices.

This element of the design must be endorsed by Liverpool City Council.

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

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

Recommendations of Acoustic Report

19. The recommendations provided in the approved acoustic report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

Flooding

20. The lowest habitable floor level shall be no less than the 1% AEP flood plus half a metre freeboard.
21. Non habitable floor levels shall be no less than the 5% AEP flood.
22. The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard.
23. An engineers report shall be required to certify that the structure can withstand the forces of floodwater including debris and buoyancy up to and including a 1% AEP flood plus half a metre freeboard.
24. There shall be no net loss of floodplain storage volume below the 1% AEP flood. This includes but is not limited to a balanced cut and fill below the 1% Annual Exceedance Probability flood.
25. The level of the car parking shall be no less than the 5% AEP flood.
26. Reliable access for pedestrians or vehicles shall be provided from the lowest habitable floor level to a location above the Probable Maximum Flood.
27. The development shall be consistent with any relevant flood evacuation strategy or similar plan.

28. Fencing shall be limited to permeable open type fences.
29. Fencing shall be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding.
30. Fencing shall be constructed to withstand the force of floodwaters or collapse in a controlled manner so as not to obstruct the flow of water, become unsafe during times of flood or become moving debris.

Traffic

31. The applicant is to prepare and submit a plan of management including a traffic control plan to manage and minimise traffic impact of the proposed development taking into consideration the following strategies. A draft copy of the plan of management is to be submitted to councils satisfaction prior to the issue of a Construction Certificate.
 - Transport of horses by B double vehicles is likely to be restricted to 10 movements a year
 - That sale events would not coincide with race day events
 - That right turn movements would not be permitted from Governor Macquarie Drive into the service road at the eastern end of the development site (close to the existing William Long Bridge)

Roads and Maritime Services (RMS) requirements

32. The proposed roundabouts as shown on Annexure 2 of the Coopers paddock Voluntary Planning Agreement (VPA) shall be designed to cater for the turning movements of 26 metre B doubles.
33. All traffic improvements in schedule 3 Coopers Paddock VPA shall be implemented.
34. Land dedication along Hume Highway for an additional right turn lane and a left turn lane in Hume Highway into Governor Macquarie Drive shall be executed prior to the release of the first Occupation Certificate.
35. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.
36. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to council for approval, which shows that the proposed development complies with this requirement.
37. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic should control be submitted to Council prior to the issue of a Construction Certificate by the Principal Certifying Authority.

38. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
39. The car parking provision is to be to Council's satisfaction.
40. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of Governor Macquarie Drive.
41. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

C. PRIOR TO WORKS COMMENCING

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

Construction Certificates

42. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
43. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.
44. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works ie., a separate Civil Engineering CC and a separate Building CC.

Notification/Principal Certifying Authority

45. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
46. The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.
47. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:
 - (a) Any excavation, below the base of the footings of a building on an adjoining allotment of land.
 - (b) The notice shall be given seven (7) days prior to the commencement of work.

48. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.

Facilities

49. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

Construction Requirements

50. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with work cover authority requirements.
51. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.
52. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.
53. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

Demolition

54. Prior to demolition the existing building(s) on the land must be investigated for the presence of asbestos. All asbestos must be removed and disposed of in accordance with all regulatory requirements, including those of WorkCover NSW and the Environment Protection Authority.

Site Facilities

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

Site Notice Board

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

Notification of Service Providers

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

Please refer to the web site www.sydneywater.com.au for:

- *Quick check agents details – see Building and Developing then Quick Check and*
- *Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and Developing then Building and Renovating*
- *or telephone 13 20 92.*

Archival Recording

58. Prior to commencement of any works on the site, including demolition, alteration or change, archival recording is to be undertaken in accordance with the NSW Heritage Office Guidelines for Archival Recording. You are requested to contact Council's Heritage Officer prior to the commencement of any archival recording.

Food Premises – Restaurant/Take-Away/Bakery

59. Plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by the PCA:
- (a) all proposed, altered and required mechanical ventilation systems (Building Code of Australia & Australian Standard 1668 Part 1 & 2)
 - (b) the commercial garbage and recycling storage room (Liverpool DCP 2008)
 - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all preparation, storage

areas and cool rooms (AS4674, the Food Act 2003 and Regulations thereunder).

Waste Classification

60. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act and NSW DECCW, (EPA) 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non liquid waste advice should be sought from the DECCW (EPA).

Environmental Management

61. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site;
 - (b) Measures to suppress odours and dust emissions;
 - (c) Selection of traffic routes to minimise residential noise intrusions;
 - (d) Soil and sediment control measures;
 - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
 - (f) Community consultation.
62. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

D. DURING CONSTRUCTION

The following conditions are to be complied with or addressed during construction:

Building Work

63. In the case of a class 1 or 10 building, critical stage inspections must be carried out by the appropriate person in accordance with the EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage

inspection must be carried out by the PCA. The following components of construction are relevant:

- (a) after excavation for, and prior to the placement of, any footings; and
- (b) prior to pouring any in-situ reinforced concrete building element; and
- (c) prior to covering of the framework for any floor, wall, roof or other building element, and
- (d) prior to covering waterproofing in any wet areas, and
- (e) prior to covering any stormwater drainage connections; and
- (f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

64. In the case of a class 2, 3 or 4 building, critical stage inspections must be carried out by the appropriate person in accordance with the EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:

- (a) after excavation for, and before the placement of, any footings, and
- (b) prior to covering of waterproofing in any wet areas for a minimum of 10% of rooms with wet areas within a building, and
- (c) prior to covering any stormwater drainage connections; and
- (d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

65. In the case of a class 5, 6, 7, 8 or 9 building, critical stage inspections must be carried out by the appropriate person in accordance with EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:

- (a) after excavation for, and before the placement of, any footings, and
- (b) prior to covering any stormwater drainage connections; and
- (c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

Hours of Construction Work and Deliveries

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

Security Fence

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

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

Demolition Work

68. All demolition work is to be carried out in accordance with the requirements of AS 2601. Demolition is to be carried out strictly in accordance with the approved procedures and work plan.

Disabled Access

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

General Site Works

70. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
71. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
72. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
73. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
74. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

Car Parking Areas

75. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

Waste Management Plan

76. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

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

Vegetation

77. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.
78. Any works or activities shall adhere to the recommendations outlined in the approved Flora and Fauna Report prepared for the site.
79. A monitoring report on the progress of the Vegetation Management Plan's implementation shall be prepared and submitted to Council upon completion of the primary planting and then at six monthly intervals until the end of the two year maintenance period. A final report shall also be submitted upon completion of the maintenance period.
80. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
81. Cleared (weed free) native vegetation (timber, small branches and leaf litter) shall be reserved and stockpiled for re-use in rehabilitation works, such as mulching.
82. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
83. Any imported soil and/or mulch shall be free of contaminants, seed and propagates of weeds and undesirable species. Mulch shall not be used on flood liable land.

Landscaping Works

84. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.

Graffiti

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

Contamination

86. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
87. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
 - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;
 - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
 - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

Site Remediation Works

88. Remediation and validation works must be carried out in accordance with remediation plan prepared by SMEC Testing Services Pty Ltd dated April 2010. Any variation to the proposed remediation works must be approved in writing by Council or the PCA prior to the commencement of these works. The applicant must inform Council or the PCA in writing of any proposed variation to the remediation works. Council or the PCA must approve these variations in writing prior to commencement of works approved under the development consent.
89. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Air Quality

90. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.
91. The site surface levels are to be designed so that site surface stormwater is deflected away from buildings and neighbours boundary fences and does not cause nuisance or flooding of those areas for storm events less than a 1% AEP.

Erosion Control

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

Water Quality

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

Pollution Control

96. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
97. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Bushfire

98. The bushfire affected buildings shall be of minimum BAL Level construction as indicated on the Bushfire Protection Assessment prepared by Travers Bushfire and Ecology dated 19 April 2011 and in accordance with AS3959-1999 'Construction of Buildings in Bushfire Prone Areas'.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Certificates

99. The premises must not be utilised until an OC is issued by the PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
100. The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The

Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.

101. All required Compliances Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.
102. A final fire or interim safety certificate is to be attached to any OC, except in the case of a Class 1a or Class 10 building(s). This must include all the "essential fire services" installed in the building.
103. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.

Voluntary Planning Agreement (VPA) requirements

104. 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 as shown in Annexure 2 of the VPA. The new carriage way is to be constructed on the southern side of the existing carriageway of Governor Macquarie Drive. Details demonstrating compliance are to be submitted to the satisfaction of Council prior to the issue of any Occupation Certificate for the development
105. Provision of the following works to both carriageways of Governor Macquarie Drive:
 - Lighting
 - Kerb and Guttering
 - Median strip

Details demonstrating compliance are to be submitted to the satisfaction of Council prior to the issue of any Occupation Certificate for the development

106. 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 as shown in Annexure 2 of the VPA. Details demonstrating compliance are to be submitted to the satisfaction of Council prior to the issue of any Occupation Certificate for the development
107. 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 the length from the existing cycle path near the William Long Bridge to the Hume Highway (as shown on the plan attached as Annexure 2 of the VPA). Details demonstrating compliance are to be submitted to the satisfaction of Council prior to the issue of any Occupation Certificate for the development

BASIX

108. Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

Landscaping

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

Flooding

110. An evacuation plan shall be developed and maintained, including suitable warning systems, signage and exits, to ensure the safe evacuation of people during floods up to and including the Probable Maximum Flood.

Certificates

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

Site Contamination Validation Report

112. After completion of the remedial works, a copy of the Validation Report shall be submitted to the PCA. This Report shall be prepared with reference to the EPA guidelines, Consultants Reporting on Contaminated Sites, and must:
- (a) describe and document all works performed;
 - (b) include results of validation testing and monitoring;
 - (c) include validation results of any fill imported on to the site;
 - (d) outline how all agreed clean-up criteria and relevant regulations have been complied with; and
 - (e) include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

Vegetation Maintenance Period

113. The approved Vegetation Management Plan shall be implemented, and all works the subject of the Vegetation Management Plan carried out.

Food Premises – Restaurant/Take-Away/Bakery

114. Council's Health & Building section shall be notified in writing that the premises will be used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's database.

115. Trading shall not commence until an OC has been issued by the PCA.
116. A Trade Waste application shall be submitted and approved by the Sydney Water Corporation regarding the installation of proposed pre treatment equipment, eg basket and grease arrestors. A copy of the plumber's certificate of compliance for the installation of pre-treatment equipment, and of the Trade Waste Agreement, shall be furnished to the PCA.
117. Certificates of design compliance and system performance for the proposed mechanical ventilation system shall be provided to the PCA, certifying the design, and upon commissioning of the mechanical ventilation system(s), certifying performance. The certificate of performance shall be issued to the certifying authority and be accompanied by details of the test carried out in respect of: -
- (a) Ventilation
 - (b) Acoustics
118. Prior to the commencement of food handling operations, the food business proprietor shall notify the NSW Food Authority of the following information including:
- (a) Contact details for the food business including the name of the food business and the name and address of the proprietor of the business;
 - (b) The nature of the food business; and
 - (c) The location of all food premises of the food business within the jurisdiction of NSW Food Authority.

You may notify the NSW Food Authority via the Internet on www.foodnotify.nsw.gov.au or mail the required notification form.

Failure to notify the NSW Food Authority may result in the issuing of a penalty infringement notice of up to \$880.00.

G. CONDITIONS RELATING TO USE

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

Graffiti

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

Waste Storage Area

120. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.

121. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.

Flooding

122. There shall be no storage of materials below the 1% AEP flood plus half a metre freeboard which may cause pollution or be potentially hazardous during any flood.

Car Parking/Loading

123. All parking areas shown on the approved plans must be used solely for this purpose.
124. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
125. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

Advertising

126. Advertising matter not approved in conjunction with this decision notice, must not be erected, painted or displayed without the prior approval of Council.

Noise

127. Any alarm installed on the site is to be "silent back to base" type.
128. Any intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

Environment

129. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

Landscaping

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

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

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

Vegetation Maintenance Period

131. A monitoring report shall be submitted to Council following completion of the primary planting the subject of the Vegetation Management Plan. Following the planting phase and submission of the first monitoring report, a minimum two year maintenance period relating to the works the subject of the approved Vegetation Management Plan shall be undertaken. Monitoring reports shall be submitted to Council at 6 monthly intervals following planting.

H. ADVISORY

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 6 months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within two (2) years of the date of this notice.
- d) In accordance with Section 98 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- e) The Planning Assessment Commission has not conducted a review of the application.
- f) These conditions are imposed to control development, having regard to Section 79C of the Environmental Planning and Assessment Act 1979.
- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) Prior to completion of the pool, the owner of the premises is requested to attend an approved Cardio Pulmonary Resuscitation Course.
- i) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.

- j) "DIAL BEFORE YOU DIG" DIAL 1100
Before any excavation work starts, contractors and others should phone "Dial Before You Dig" service to access plans/information for underground pipes and cables. www.dialbeforeyoudig.com.au
- k) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- m) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

9.3 General Terms of Approval and RMS comments



Department of
Primary Industries
Office of Water

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

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

Our ref: 10 ERM2011/0720
Our file: 9055549
Your ref: DA2011/1089

Attention: Maya Elnazer

12 June 2012

Dear Maya

Re: Integrated Development Referral – General Terms of Approval

Dev Ref: DA2011/1089

Description of proposed activity: Demolition of structure and erection of stock and sale yard

Site location: 2 Hume Highway Warwick Farm & Governor Macquarie Drive, CHIPPING NORTON

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

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

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

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

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

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

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

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

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

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

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

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

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

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

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

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

Yours Sincerely



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



General Terms of Approval

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

Our Reference: 10 ERM2011/0720 **File No:** 9055549
Site Address: 2 Hume Highway Warwick Farm & Governor Macquarie Drive,
CHIPPING NORTON
DA Number: DA2011/1089
LGA: Liverpool City Council

Number	Condition
Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2011/1089 and provided by Council: Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Erosion and Sediment Control Plan (iii) Soil and Water Management Plan
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at: www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) Vegetation Management Plans (ii) Laying pipes and cables in watercourses (iii) Riparian Corridors (iv) In-stream works (v) Outlet structures
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

Our Reference: 10 ERM2011/0720

File No: 9055549

Site Address: 2 Hume Highway Warwick Farm & Governor Macquarie Drive,
CHIPPING NORTON

DA Number: DA2011/1089

LGA: Liverpool City Council

Number	Condition
Rehabilitation and maintenance	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
Reporting requirements	
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
Security deposits	
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.
Access-ways	
10	The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
11	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
Disposal	
12	The consent holder must ensure that no materials or cleared vegetation that may <ul style="list-style-type: none">(i) obstruct flow,(ii) wash into the water body, or(iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Drainage and Stormwater	
13	The consent holder is to ensure that all drainage works <ul style="list-style-type: none">(i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and(ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
14	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	

Our Reference: 10 ERM2011/0720

File No: 9055549

Site Address: 2 Hume Highway Warwick Farm & Governor Macquarie Drive,
CHIPPING NORTON

DA Number: DA2011/1089

LGA: Liverpool City Council

Number	Condition
15	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
16	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
17	The consent holder must ensure that any excavation does not result in <ul style="list-style-type: none">(i) diversion of any river(ii) bed or bank instability or(iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
Maintaining river	
18	The consent holder must ensure that <ul style="list-style-type: none">(i) river diversion, realignment or alteration does not result from any controlled activity work and(ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and(iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
19	The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.
River bed and bank protection	
20	The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width of 50 metres measured horizontally landward from the highest bank of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by the NSW Office of Water.
21	The consent holder must establish a riparian corridor along George River in accordance with a plan approved by the NSW Office of Water.
END OF CONDITIONS	

Your Reference: DA1089/2011 & DA 27/2012
Our Reference: 11M1944
Contact: Stella Qu
Telephone: 8849 2520



Transport
Roads & Maritime
Services

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

Received By
3 - SEP 2012
Records

Attn : Maya Elnazer

**PROPOSED DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF
STOCK AND SALE YARD AND ASSOCIATED ROAD WORK**

Dear Sir/Madam,

I refer to Council's email dated 19 July 2012 regarding the development applications (DA27/2012 and DA1089/2011), which were referred to Roads and Maritime Services (RMS) for comment in accordance with Clause 104 and Column 2 of Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007.

I wish to advise that RMS has reviewed the application and raise no objection. However, RMS provides the following advisory comments to Council for its consideration in the determination of the development application:

1. The proposed roundabouts as shown on Annexure 2 of the Coopers Paddock Voluntary Planning Agreement (VPA) shall be designed to cater for the turning movements of 26 metre B doubles.
2. All traffic improvements in Schedule 3 Coopers Paddock VPA shall be implemented.
3. Land dedication along Hume Highway for an additional right turn lane and a left turn lane in Hume Highway into Governor Macquarie Drive shall be executed prior to the release of the first Occupation Certificate.
4. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.
5. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

Roads and Maritime Services

LEVEL 11, 27-31 ARGYLE STREET PARRAMATTA NSW 2150
PO BOX 973 PARRAMATTA CBD NSW 2124 DX 28555
www.rms.nsw.gov.au | 13 22 13

6. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate by the Principal Certifying Authority.
7. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
8. The car parking provision is to be to Council's satisfaction.
9. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of Governor Macquarie Drive.
10. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

Any further enquiries in relation to this matter can be directed to Stella Qu on telephone 8849 2520 or via email at Stella.Qu@rms.nsw.gov.au.

Yours sincerely,



James Hall
Senior Land Use Planner
Transport Planning Section, Sydney Region

23 August 2012

9.4 Council reports regarding planning proposal

COUNCIL RESOLUTION 19 DECEMBER 2011

ITEM NO: PLAN 01
FILE NO: RZ-4/2010
SUBJECT: DRAFT AMENDMENT NO. 14 LLEP 2008 COOPERS PADDOCK
AND ADDITION OF STOCK AND SALE YARD AS AN ADDITIONAL
USE IN THE RE2 ZONED LAND

RECOMMENDATION

That Council:

1. Resolves to proceed with the making of Draft Liverpool Local Environmental Plan 2008 Amendment No. 14 to:
 - a) Make permissible with consent 'stock and sale yard' within the RE2 Private Recreation zone.
 - b) Rezone certain land south of Governor Macquarie Drive (Coopers Paddock) from RE2 Private Recreation and RE1 Public Recreation to IN1 General Industrial, RE1 Public Recreation, and E2 Environmental Conservation;
 - c) Rezone foreshore land north of Governor Macquarie Drive from RE2 Private Recreation to RE1 Public Recreation; and
2. Writes to the Director-General of Department of Planning and Infrastructure requesting the making of Draft Liverpool Local Environmental Plan 2008 Amendment No. 14.
3. Enters into a Voluntary Planning Agreement requiring the developer to provide traffic improvements, land dedication, remediation of designated land, shared bicycle and pedestrian paths and the dedication of RE1 Public Recreation and E2 Environment Conservation zoned land.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Gillani**

That the recommendation be adopted.

On being put to the meeting the motion was declared CARRIED.

Vote for: Mayor Waller, Cllr Lucas, Cllr Hadchiti, Cllr Gillani, Cllr Stanley, Cllr Karnib

Vote against: Cllr Napoletano, Cllr Hadid, Cllr McGoldrick, Cllr Harle

COUNCIL RESOLUTION 19 DECEMBER 2011

LIVERPOOL CITY COUNCIL

CITY PLANNING REPORT

ORDINARY MEETING

19/12/2011

ITEM NO:		FILE NO:	RZ-4/2010
SUBJECT:	DRAFT AMENDMENT NO. 14 LLEP 2008 COOPERS Paddock AND ADDITION OF STOCK AND SALE YARD AS AN ADDITIONAL USE IN THE RE2 ZONED LAND		
OWNER:	AUSTRALIAN TURF CLUB WILLIAM INGLIS & SON LTD		
COMMUNITY STRATEGIC PLAN REFERENCE:	LIVERPOOL HAS A RANGE OF BUSINESS AND EMPLOYMENT OPPORTUNITIES		

EXECUTIVE SUMMARY:

At its meeting on 18 October 2010, Council endorsed a report regarding Draft Liverpool Local Environmental Plan 2008 Amendment No. 14. The main purpose of the draft rezoning is to permit 'stock and sale yards' over 10 hectares of land north of Governor Macquarie Drive, rezone 13.7 hectares of land south of Governor Macquarie Drive from RE2 Private Recreation to IN1 General Industrial and rezone 15.9 hectares of land to RE1 Public Recreation. Since that time, the Department of Planning and Infrastructure (DOPI) issued Gateway Determination which stipulates the requirements for State agency consultation and public exhibition.

As a result of the findings of the Ecological Assessment and recommendations from the State government agencies, the proposal presented in this report has seen a reduction of 2.34 hectares of proposed IN1 General Industrial zoned land.

The draft LEP was on public exhibition from 21 September 2011 to 22 October 2011. Council received 622 submissions regarding the planning proposal with a summary of the main issues and Council responses listed in the report and in Attachment 2.

As the rezoning is likely to permit a significant intensification of the use of the land, certain infrastructure upgrades, land dedication and regeneration are proposed through a Voluntary Planning Agreement (VPA). The draft VPA was exhibited from 2 November 2011 to 29 November 2011 with a submissions summary and Council response detailed in the report and Attachment 3.

The number of submissions received clearly indicates that there has been a significant level of public interest in relation to the Coopers Paddock rezoning. However, on balance, the rezoning will result in a number of benefits to the public including the rehabilitation and dedication (at no cost) of 17.71 hectares of privately owned environmentally significant land.

It is recommended that Council adopt Draft LLEP 2008 Amendment No. 14 and proceed with the making of the plan.

DETAILED REPORT:

Historical Use of Coopers Paddock

The Coopers Paddock site is thought to have been used as a dairy for long periods before the site was occupied by the Department of Defence during the Second World War. Exercise tracks for race horses were constructed on the site in the late 1950s and early 1960s some of which are still used today.

Background

At its meeting on 18 October 2010, Council considered a report regarding Draft Liverpool Local Environmental Plan 2008 Amendment No. 14. The main purpose of the draft rezoning is to permit 'stock and sale yards' on 10 hectares of land north of Governor Macquarie Drive while also rezoning land south of Governor Macquarie Drive from RE2 Private Recreation to IN1 General Industrial and RE1 Public Recreation. Figure 1 shows the land to which this rezoning applies.

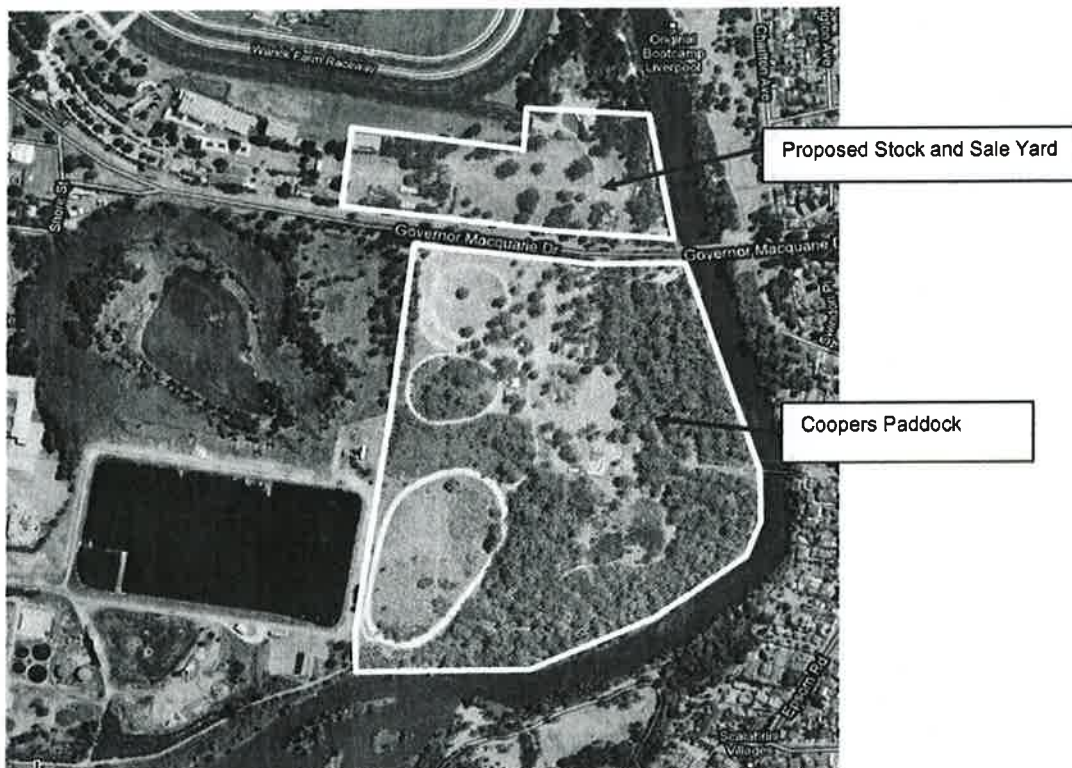


Figure 1 Coopers Paddock and the Stock and Sale Yard site

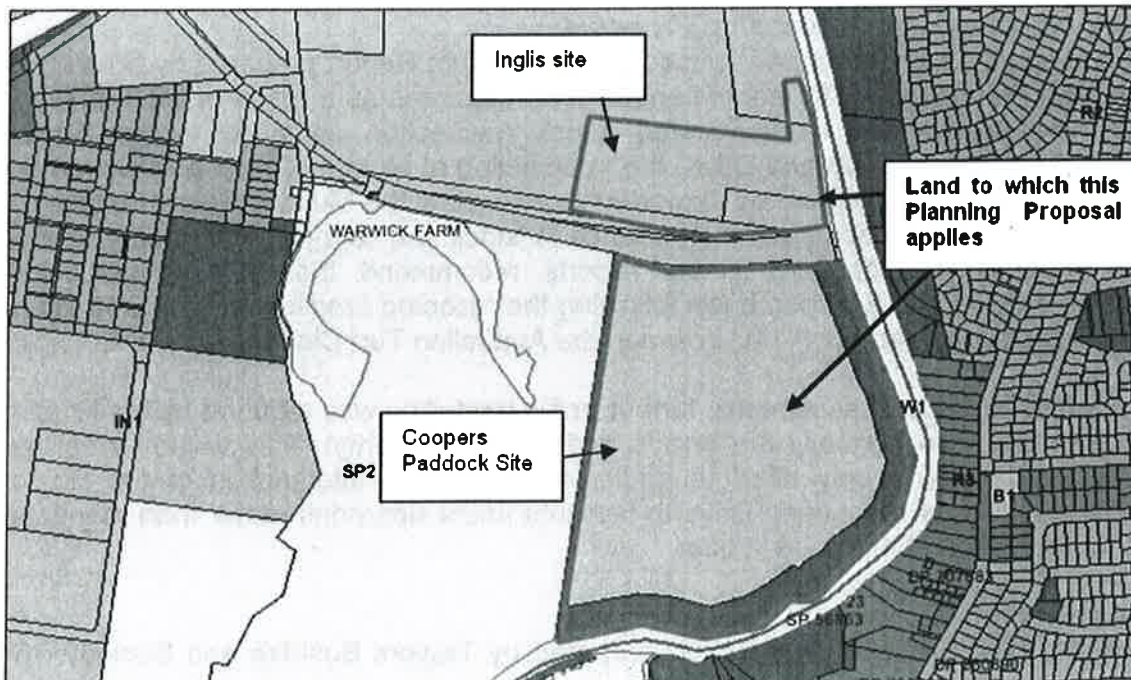


Figure 2: Shows the site and existing zoning map

Gateway Determination

On 21 December 2010, Council received Gateway Determination allowing Council to progress the Planning Proposal subject to certain conditions including the mechanism to permit 'stock and sales yard'. Council initially proposed to add this use via Schedule 1 Additional Permitted Uses of the LLEP 2008 however the Determination sought to permit the use within the RE2 Private Recreation zone land use table. The introduction of 'stock and sale yard' as a permitted use within the RE2 Private Recreation zone is considered acceptable as there are few parcels of land zoned RE2 Private Recreation within the local government area. Any approvals for such a use would require a development application and subsequent assessment under the relevant considerations.

The Gateway Determination also recommended consultation with the Office of Environment and Heritage (OEH) to ensure the proposed boundary between the IN1 General Industrial and RE1 Public Recreation zones minimises the impact upon the endangered and valuable ecological communities.

The Gateway Determination also recommended an Archaeological Report and an Aboriginal Cultural Heritage Report be prepared and sent to the appropriate state agencies for assessment.

Conclusions of Consultant Reports

As stated in the Council report 18 October 2010, the rezoning was supported by a number of background reports considering traffic, ecology, contamination, flooding, heritage and bushfire risk. The Department of Planning and Infrastructure recommended two additional reports be prepared, being an Archaeological Report and an Aboriginal Cultural Heritage Report. These reports have been considered by Council staff and forwarded to the appropriate state agencies for comment.

Traffic Impact Assessment Rezoning Proposal

The Traffic Impact Assessment and subsequent Addendum Report prepared by Stapleton Transport and Planning Pty Ltd recommended road upgrades as a result of the Planning Proposal. The Assessment recommended future intersection upgrades to the Hume Highway and Governor Macquarie Drive, the intersection of Munday Street and Governor Macquarie Drive works (which will be upgraded as a result of the Munday Street rezoning), additional lanes and roundabouts at the entrance to 'stock and sale yard' proposal and the Coopers Paddock development. These reports recommend that any infrastructure upgrades be provided on a staged basis following the rezoning process and secured via a Voluntary Planning Agreement (VPA) between the Australian Turf Club (ATC) and Council.

Subsequent to the traffic assessments, further traffic modelling was required by the Roads and Maritime Services (formally the Roads and Traffic Authority). This traffic modelling concluded that the ATC only need to dedicate land at the intersection of the Hume Highway and Governor Macquarie Drive to facilitate future upgrades rather than mandate intersection upgrades at this point in time.

Ecological Report

The main findings of the Ecology Report prepared by Travers Bushfire and Ecology Pty Ltd are as follows:

- In respect to matters considered under the Environmental Planning and Assessment Act and the Threatened Species Act, the following threatened fauna species were recorded:
 - Powerful Owl;
 - Varied Sittella;
 - Little Lorikeet;
 - Grey-headed Flying Fox;
 - Large-footed Myotis;
 - Eastern Bentwing-bat;
 - East-coast Freetail Bat; and
 - Yellow-bellied Sheath-tail Bat.

It was also stated in Travers report that there was an additional threatened species (Black-chinned Honeyeater) recorded on the eastern side of the Georges River and likely to utilise the subject site on occasions.

- There were no threatened flora species recorded within the study area; however it is believed that the site provides potential habitat for endangered species including Dawny Wattle, Nodding Geebung and Pultenaena Parviflora. The Pultenaena Parviflora has been recorded to occur 4 kilometres away in Bankstown Local Government Area.
- The site contains the Endangered Ecological Community (EEC) of Riverflat Eucalypt Forest on Coastal Floodplains (approximately 15.4 hectares) which consists of a contiguous area of foreshore vegetation and fragmented / isolated strands. This adjoins the Georges River and is an example of native vegetation that originally existed along the majority of the Georges River corridor. This type of vegetation is classed as a 'Vegetated Buffer' under Greater Metropolitan Regional Environmental Plan - Georges River Catchment.

- Approximately 15 hectares of the site is highly degraded from past and ongoing use of the site as a trotting / exercise area for horses. These areas are compromised and have significantly reduced to negligible ecological value. No endangered populations were recorded on the site or likely to occur.
- The proposed conservation area of 17.71 hectares (including both RE1 Public Recreation and E2 Environment Conservation) is regarded as being sufficient for the habitat requirements of the Powerful Owl and Varied Sittella. The area also adequately conserves existing native vegetation and provides a foraging, roosting and breeding habitat for other recorded threatened fauna species and those that may potentially occur in the future.
- A total of 17.71 hectares of open forest retention areas and disturbed landscapes will be protected or restored to compensate for partial loss of vegetation and habitat within the proposed development area. The restoration areas occur just to the north of the Powerful Owl sighting and around / within the circular track in the south-western portion of the subject site (refer to Figure 3).
- Adequate buffers have been provided in accordance with the Greater Metropolitan Regional Environmental Plan 2 Georges River Catchment.

The draft rezoning proposes to remove 3.22 hectares of the low and moderate EEC River-flat Eucalypt Forest. This will be offset by the vegetation offset ratio of 5.2:1 which complies with Councils requirements. To cater for the required vegetation offset, the total conservation area was increased to 17.71 hectares. It is noted that the critically endangered ecological community - Cumberland Plain Woodland is not present in Coopers Paddock.

Contamination Assessment

The Contamination Assessment by Douglas Partners Pty Ltd included an assessment of the current and historic use of the site. The contamination assessment concluded that the potential for contamination is considered to be low. The assessment states that if there are any unexpected finds, then appropriate protocol should be implemented.

Note that further contamination assessment would be carried out with the submission of future development applications.

Flooding Report

A Flood Assessment Report prepared by Bewsher Consulting Pty Ltd concluded that the flood prone portions of the site can be made flood-free through appropriate mitigation measures (such as filling and compensatory storage) without affecting flood behaviour in the area. Any flood mitigation works need to be addressed as part of a future development application on these sites.

Heritage Assessment

A Conservation Management Plan prepared by Graham Brooks and Associates Pty Ltd considered the racecourse precinct, the Coopers Paddock and the Inglis 'stock and sale yard' site. While the Coopers Paddock site is deemed complimentary to the Warwick Farm Racecourse Precinct it is not listed as a heritage item. The proposal to allow a 'stock and sale yard' within the Warwick Farm Racecourse site is deemed complimentary to the racecourse precinct. However it should be acknowledged that there could be proposed changes to the landscape as well the possible removal of buildings within the racecourse

precinct. These changes would be assessed as part of the development application/s for the 'stock and sale yard'.

Bushfire Assessment

The assessment found that parts of the land to be rezoned to IN1 General Industrial in Coopers Paddock are considered bushfire prone.

The foreshore forest vegetation adjoining Georges River to the south and east of Coopers Paddock site and to the east of the proposed Inglis development site may result in possible flame and ember attack. In response to the above findings, the report makes a number of recommendations which will ensure any development on the site is in accordance with or exceeds the requirements of Planning for Bushfire Protection 2006. The Liverpool Development Control Plan 2008 (Part 1.1) states that "*All development shall comply with provisions of the Rural Fires and Assessment Act 2002 and Planning for Bushfire Protection 2006.*"

Future development applications within the bushfire prone land will be referred to the Rural Fire Service for assessment.

Archaeological Report

An Archaeological Report prepared by Archaeological and Heritage Management Solutions Pty Ltd concluded that the potential for historical archaeological remnants of state or local value is highly unlikely to be located on the proposed IN1 General Industrial zone and 'stock and sale yard' site. No further assessment is warranted as part of the rezoning. The report was sent to the NSW Heritage Branch who agreed with the conclusions of the report.

Aboriginal Cultural Heritage Report

The principal conclusion of the preliminary Aboriginal Heritage Assessment is that further investigation and / or Aboriginal heritage impact assessment does not appear to be warranted prior to the proposed rezoning. The Aboriginal Cultural Heritage Report was forwarded to the OEH who advised Council on the 7 April 2011 that they support the recommendations of the report.

State Agency Consultation

The Department of Planning's Gateway Determination outlined that Council must consult with the following State Government agencies:

- Catchment Management Authority;
- Office of Environment and Heritage (Formally Department of Environment, Climate Change and Water);
- Heritage Branch of NSW;
- NSW Transport and Infrastructure;
- Roads and Traffic Authority; and
- Sydney Water.

Council received correspondence from Transport NSW, Roads and Traffic Authority (now Roads and Maritime Services) and the Office of Environment and Heritage.

Transport NSW

Council received a submission from Transport NSW requesting that the applicant prepare additional information to consider the following;

- NSW State Plan 2010,
- Metropolitan Plan for Sydney 2036,
- Metropolitan Transport Plan: Connecting the City of Cities (including the NSW Bikeplan),
- The requirements of section 117 direction 3.4 – Integrating Land Use and Transport, and
- Planning Guidelines for Walking and Cycling.

The applicant provided the additional information to Transport NSW who had no further concerns.

Roads and Maritime Services (Formally RTA)

On 2 March 2011, the Roads and Maritime Services (RMS) made a submission stating the requirement to undertake the following works:

- Hume Highway / Governor Macquarie Drive Intersection upgrades;
- Land Dedication at Hume Highway / Governor Macquarie Drive;
- Governor Macquarie Drive / Munday Street signal upgrades (secured as part the VPA for LLEP 2008 Amendment 18); and
- General Design and Construction Advice.

The RMS also stated that future modelling was required to confirm the likely traffic generation and required upgrade works. The requested additional traffic modelling was conducted and concluded that the ATC was only required to dedicate land at the intersection of the Hume Highway and Governor Macquarie Drive which would facilitate future (rather than an immediate) upgrade of the intersection. This revised conclusion although different from the earlier advice was confirmed to be the RMS's final position and adequate to cater for the development precincts traffic impact.

Office of Environment and Heritage (OEH)

The Gateway Determination required further consultation with the OEH to ensure the proposed boundary location of the IN1 General Industrial zone boundary reflects the valuable ecological communities on this land.

During State Authority Consultation, the OEH sought substantial additional information. In turn the applicant commissioned a new Ecological report which was prepared by Travers Bushfire and Ecology. This new ecology report was referred to OEH who requested additional information including details regarding the habitat of the threatened species.

Introduction of the E2 Zone for added protection of the Powerful Owl

OEH assessed the additional information and recommended that the Powerful Owl should be afforded the highest level of protection under the LEP by altering the proposed zone of the southern portion of the Coopers Paddock from RE1 Public Recreation zone to the E2 Environmental Conservation zone. The boundary of the conservation area has also been extended to provide an adequate buffer for the Powerful Owl habitat.

Subsequently, the zoning boundaries between RE1 Public Recreation zone, the IN1 General Industrial zone and the introduction of the E2 Environmental Conservation zone

were brought about to reflect the recommendations from OEH. Refer to Figure 5 for the revised proposed zoning map.

The Protection of the Varied Sittella

The OEH also requested further information regarding the Varied Sittella (a type of bird species). In response, the applicant sought a review from Dr Richard Noske, Charles Darwin University, Darwin, Northern Territory). Dr Noske concluded as follows:

- *Based on my observations of the foraging behaviour of the Varied Sittellas onsite, and review of the habitat assessment and information provided by Travers Bushfire and Ecology in their Ecological Constraints report (2011), I see no reason why the proposed conservation area could not support the existing population.*
- *Based on the behaviour and locations of the presumed breeders, I expect that the most suitable nesting sites for the sittellas lie within the proposed conservation zone, which therefore most likely represents the core area of the main group.*
- *Thus it is my professional opinion that in conjunction with appropriate restoration of currently disturbed areas, the proposed conservation area is able to meet the needs of the Varied Sittella population onsite.*

Subsequent to this report, the OEH advised Council on 29 August 2011 that the boundaries and areas of the proposed IN1 General Industrial, RE1 Public Recreation and E2 Environmental Conservation zone are acceptable.

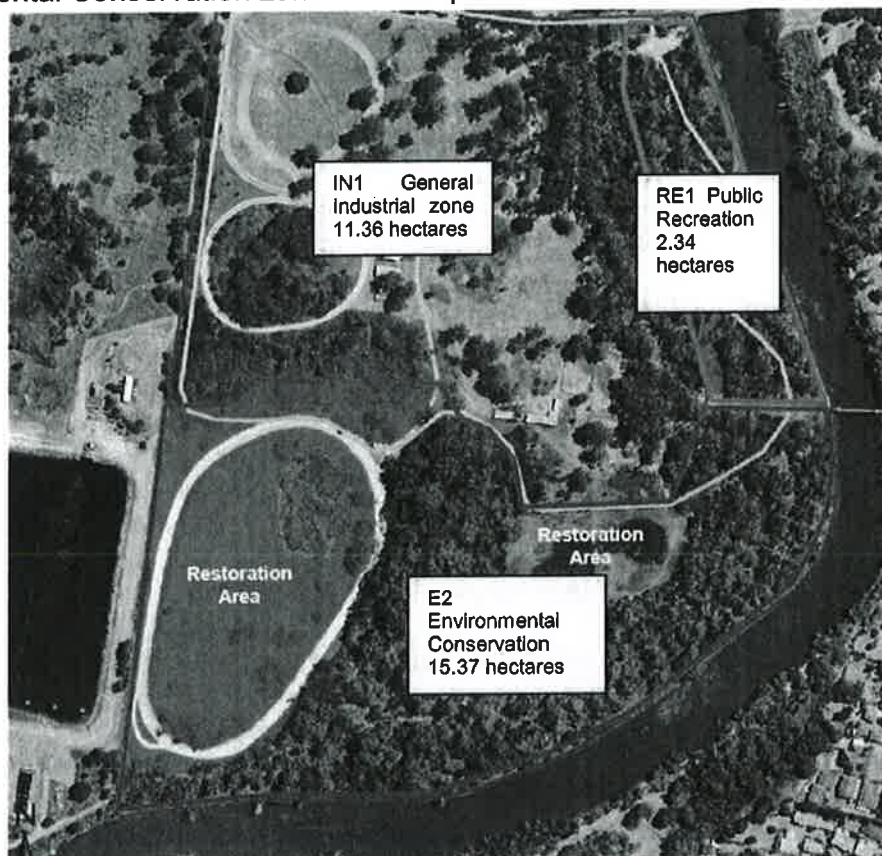


Figure 3 - Restoration areas to protect the Powerful Owl to provide appropriate regeneration works.

Changes to the Planning Proposal

As a result of the findings from the Travers Ecology Report and recommendations from the OEH, the zoning boundaries between the RE1 Public Recreation and the IN1 General Industrial zones have been amended and an E2 Environment Conservation zone has been introduced to the southern side of the Coopers Paddock site.

This has resulted in an increased amount of land being dedicated to Council from the initial 15.9 hectares to 17.71 hectares (See Figure 5). This has also seen the reduction of land available to be rezoned for industrial purposes from the initially proposed 13.7 hectares IN1 General Industrial to 11.36 hectares. The result is an adequate restoration area for the Powerful Owl habitat and for vegetation offsetting.

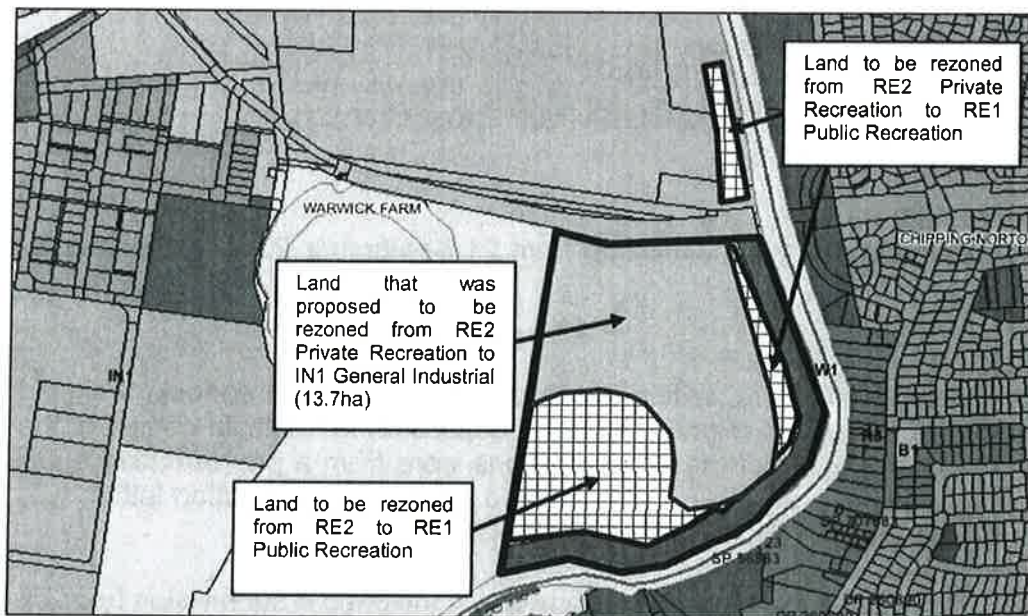


Figure 4: Original proposed zoning map

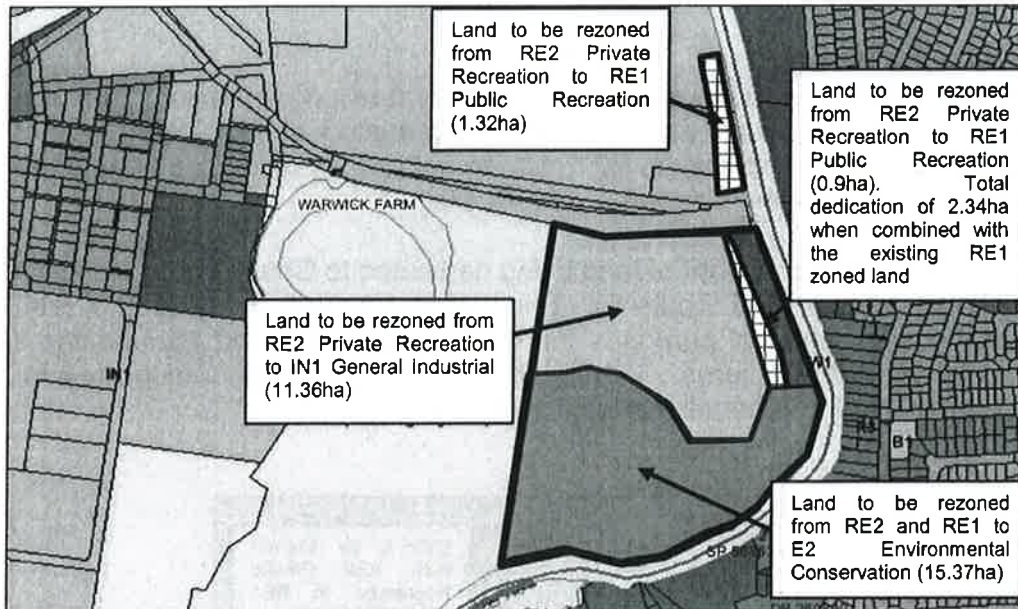


Figure 5: Revised zoning map

Public exhibition period

The Planning Proposal was on public exhibition from 21 September 2011 to 22 October 2011.

Coopers Paddock

Council received 622 submissions regarding the rezoning of Coopers Paddock. It should be noted that out of the 622 submissions, 153 were duplicates ie. Multiple copies of the same submissions. A high portion of these submissions were from a pre-formatted email or a petition letter where only a signature was required. One of these petition letters was received from Mr Craig Kelly, MP, Federal Member for Hughes.

Council received 10 individually written submissions which included a submission from Ms Melanie Rhonda Gibbons, MP, State Member for Menai.

The majority of the issues raised, dealt with the following issues:

- Loss of Threatened Species and natural habitat
- Traffic Implications to Governor Macquarie Drive and on the wider community
- Call on NSW Government to acquire the land
- Preserve the Open space (Coopers Paddock) for future generations
- The reduction of residential property values.

Stock and Sale Yard Development

Council received two submissions concerning the 'stock and sale yard' development site. One submission stated that the proposal would allow too many stables and that council should not approve the use until the completion of the Strategic Review of the Warwick Farm Training Precinct.

The second submission discussed issues that will be dealt with as part of the development application for the site.

Comments on submissions

Issue: Loss of Threatened Species and natural habitat

Response: The Ecological Constraints Report ('ECR') by Travers Bushfire and Ecology has identified one Endangered Ecological Community (EEC), being the River-flat Eucalypt Forest on Coastal Floodplains. A significant portion of the Riverflat Eucalypt Forest is regrowth vegetation and within weed infested areas. Whilst 3.226 hectares of the River-flat Eucalypt Forest will ultimately be removed as a result of this rezoning, a restored/conserved area of 17.71 hectares will be dedicated to Council for ongoing protection.

The NSW Office of Environment and Heritage (OEH) has reviewed the Ecology Report as part of this proposal. The OEH is of the view that the proposal is acceptable subject to the changes made to the proposed zoning boundaries.

Issue: Traffic Implications to Governor Macquarie Drive and on the wider community

Response: Detailed traffic analysis and modelling has been undertaken as part of the planning proposal to determine the traffic impact on the existing traffic environment as well as forecast conditions to 2020. This has formed the basis of proposed roadworks on Governor Macquarie Drive to be administered under the VPA.

The proposed roadworks and land dedication have been reviewed and deemed acceptable by the RMS.

Issue: Call on NSW Government to acquire the land

Response: The NSW Government has not indicated the need or desire to acquire the land. However, the environmentally significant aspects of the site will be restored, conserved and dedicated to Council through appropriate application and appropriate zones and the terms of the VPA.

Issue: Preserve the Open space (Coopers Paddock) for future generations

Response: Coopers Paddock is not currently public open space with no obligation for the land owners to allow public access. This planning proposal will potentially provide 17.71 hectares of public land dedicated to Council free of charge as part of a proposed VPA, providing a positive open space outcome compared with the existing situation.

Issue: The values of residential development in the area will be reduced

Response: The value or potential reduction of property values is not a planning consideration.

Issue: There are too many stables permitted within the Inglis Development, this should not be approved until the Strategic Review of the Warwick Farm Training Precinct is completed by Council.

Response: Stables are currently a permitted land use within the RE2 Private Recreation zone. The stables indicated on the concept plan are to be used during sales events and are not for permanent stabling.

The submissions evaluation table (Attachment 2) itemises the submission and provides further responses to specific comments.

The number of submissions received indicates that there has been a significant level of public interest in relation to the rezoning of Coopers Paddock. As stated above, the rezoning proposal has been refined to increase the areas to be conserved (which are to be RE1 Public Recreation and E2 Environment Conservation) in line with recommendations made by the Office of Environment and Heritage and consultants who assessed the significant flora and fauna species of the site.

Council officers have considered the submissions and have made changes to the proposal as a result of comments received from State agencies. Overall, it is considered that there will be a number of public benefits to proceed with the rezoning which include;

- The rehabilitation and dedication of over 17 hectares of land to council (which would otherwise remain in private ownership restricting public access);
- The application of the E2 Environmental Conservation zone (as opposed to the RE2 Private Recreation zone) and dedication to Council will ensure the protection of the Powerful Owl and Varied Sittella habitat;
- Upgrades to Governor Macquarie Drive; and
- Provision of shared pedestrian and bicycle paths, including a link from Chipping Norton to Warwick Farm Train Station.

Voluntary Planning Agreement

As part of the proposed rezoning, the owner has offered to enter into a Voluntary Planning Agreement (VPA). The VPA provides a list of items the ATC must provide as part of redevelopment of the subject land. These include:

- Road improvements;
- Remediation of Designated Land;
- Construction of shared bicycle and pedestrian paths;
- Dedication of foreshore land and land required for future road widening
- Rehabilitation of existing vegetated areas.

The draft VPA was exhibited from 2 November 2011 to 29 November 2011.

Council received five submissions regarding the VPA. Some of which raised issues associated with the rezoning and generally sought clarification rather than outright objecting to the VPA.

Generally, a summary of the issues raised has been provided below with an itemised list of submission comments and specific responses provided under Attachment 3.

Comments on submissions

Issue: Question the VPA's validity when the rezoning has not been brought to Council to date.

Response: Under Section 93F of Environmental Planning and Assessment Act 1979 a VPA can either be delivered at the rezoning stage or the development application stage. To ensure that this process is comprehensive, Council deems it appropriate to identify the required works associated at the rezoning stage. This is a responsible approach and confirms the developer's commitment to infrastructure and contributions.

Issue: If the wishes of the community are to be taken into account, this would affect the outcomes outlined in this document,

Response: The VPA does not have any legal status if the rezoning is not approved.

Issue: Entering into any agreement prior to the rezoning is risky and fraught with problems

Response: The applicant is bound by the terms of the VPA and there are penalties for defaulting on these obligations.

Issue: I believe that once the determinations of Council have been rendered the ATC may consider presenting a modified version of the VPA, will it be brought back to the community for consideration?

Response: The VPA has been drafted to support the specific rezoning proposal. Any amendment to the agreed VPA will require the re-exhibition for 28 days as per the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000.

Issue: Is council or RMS (Formally RTA) responsible for the upgrade of the intersection of Hume Highway/Governor Macquarie Drive?

Response: The RMS is responsible as the Hume Highway is an arterial road.

Issue: What is going to happen to the Eucalypt trees along Governor Macquarie Drive?

Response: It is envisaged that many trees adjacent to the roadway will be removed to facilitate road widening. Future surveys would determine the exact affectation.

Issue: Could Council explain Clause Part 3.1(4)? The VPA states that Council will give residual land on either side of GMD to the ATC.

Response: The existing alignment of GMD is currently not on the road reservation. The aim of this section is for Lot and DPs to be corrected by placing GMD on the current road reservation and any excess land that is not required will be offset to the ATC.

Conclusion

An extensive public authority and assessment process has been carried out and as evidenced by the number and nature of the public submissions, the rezoning of Coopers Paddock has raised significant public interest.

The rezoning proposal has been refined to increase the land areas to be conserved (ie. land to be zoned RE1 Public Recreation and E2 Environment Conservation) in line with recommendations made by the Office of Environment and Heritage and consultants who assessed the areas significant flora and fauna species. The rehabilitation of over 17 hectares of land seeks to offset vegetation loss and provide adequate habitat for various fauna species. The transfer of that land to Council ensures its reservation as accessible public land in perpetuity as opposed to being retained in private ownership.

The VPA also facilitates road upgrades, cycleways, land dedication, rehabilitation of existing vegetation.

It is noted that the proposed addition of stock and sale yards as a permissible use in the RE2 zone is considered relatively straight forward and the community has not raised any substantial objections to this component of the planning proposal.

It is recommended that Council resolve to proceed with the rezoning of Coopers Paddock as well as amending the LLEP 2008 to permit 'stock and sale yards' within the RE2 Private Recreation zone north of Governor Macquarie Drive.

FINANCIAL IMPLICATIONS:

The proposal to enter into a VPA with the landowner will secure the provision of appropriate upgrades to the road network, provision of cycleways, rehabilitation of vegetated areas and land dedication at no cost to Council.

However, the costs of ongoing maintenance of additional road reserve and land zoned RE1 and E2 should be factored into Councils budget.

RECOMMENDATION:

That Council:

1. Resolves to proceed with the making of Draft Liverpool Local Environmental Plan 2008 Amendment No. 14 to:
 - a) Make permissible with consent 'stock and sale yard' within the RE2 Private Recreation zone.
 - b) Rezone certain land south of Governor Macquarie Drive (Coopers Paddock) from RE2 Private Recreation and RE1 Public Recreation to IN1 General Industrial, RE1 Public Recreation, and E2 Environmental Conservation;
 - c) Rezone foreshore land north of Governor Macquarie Drive from RE2 Private Recreation to RE1 Public Recreation; and
2. Writes to the Director-General of Department of Planning and Infrastructure requesting the making of Draft Liverpool Local Environmental Plan 2008 Amendment No. 14.
3. Enters into a Voluntary Planning Agreement requiring the developer to provide traffic improvements, land dedication, remediation of designated land, shared bicycle and pedestrian paths and the dedication of RE1 Public Recreation and E2 Environment Conservation zoned land.

SIGNED BY:



Milan Marecic
Director
City Planning

Attachments:

1. Company Directors
2. Submissions Table (Rezoning)
3. Submissions Table (VPA)
4. Planning Proposal (under separate cover)
5. Voluntary Planning Agreement (under separate cover)

Attachment 1:**List of Company Directors ATC**

Corporate Details	Australian Turf Club
Registered Address	Locked Bag 3, Randwick 2031
Directors	John Cornish Michael Crismale Alan Osburg Bill Sweeney Max Whitby Wilf Mula Mark McInnes Laurie Macri John Camilleri

List of Company Directors William Inglis & Son Ltd

Corporate Details	William Inglis & Son Ltd
Registered Address	1 Young Street Randwick NSW
Directors	John Coates- Chairman Arthur Inglis-Deputy Chairman Mark Webster- Managing Director Jonathan D'Arcy Jamie Inglis Peter Heagney Steve Gregg Ian Cornell

Attachment 2: Submissions Table (Rezoning)

Issue Raised	Response
Coopers Paddock contains Endangered Ecological Communities protected under both State and Federal Acts	<p>1. The Ecological Constraints Report ('ECR') by Travers Bushfire & Ecology has identified one (1) endangered ecological community (EEC), being the River-flat Eucalypt Forest on Coastal Floodplains was observed within the subject site. A significant portion of the Riverflat Eucalypt Forest is forest vegetation with heavily weed infested understorey areas and regrowth vegetation. Whilst 3.226ha of the River-flat Eucalypt Forest will ultimately be removed as a result of this rezoning, a restored/conserved area of 16.95ha will be dedicated to Council.</p> <p>The NSW Office of Environment & Heritage (OEH) has reviewed the ECR as part of this proposal. The OEH is of the view that the proposal is acceptable.</p>
Coopers Paddock should remain open space	<p>2. Coopers Paddock is not currently public open space. Part of Coopers Paddock (i.e. River foreshore area of 5.373ha) is currently zoned RE1 – Public Recreation but is yet to be dedicated to Council. This planning proposal will significantly increase the extent of RE1/E2 zoned land within Coopers Paddock to 17.71ha and dedicate that land to Council free of charge as part of a proposed VPA, providing a positive open space outcome compared with the existing situation.</p>
Call on the NSW Government to acquire	<p>3. The NSW Government has not indicated the need or desire to acquire the land. Having said that, the environmentally significant aspects of the site will be restored, conserved and dedicated as part of this planning proposal and VPA without the need for the NSW Government to acquire any part of the site</p>
William Long Bridge is a two lane bridge. What will the impact be?	<p>4. Detailed traffic analysis & modelling has been undertaken as part of the planning proposal to determine the traffic impact of the proposal on the existing traffic environment as well as forecast conditions to 2020. This has formed the basis of proposed road works which have been endorsed by the RTA. This road works as part of the VPA. The traffic analysis & modelling did not identify a need to upgrade William Long Bridge as a result of this proposal.</p> <p>The proposed roadworks have been reviewed by the RTA and subject to the proposed road upgrades has no objection to the proposal on traffic grounds.</p>

Issue Raised	Response
What will the traffic impacts be on Newbridge Road, Epsom Road, Childs Road and Alfred Road	<p>5. Detailed traffic analysis & modeling has been undertaken as part of the planning proposal to determine the traffic impact of the proposal on the existing traffic environment as well as forecast conditions to 2020. This has formed the basis of proposed roadworks in Governor Macquarie Drive as part of the VPA proposed by the ATC.</p> <p>The proposed roadworks have been reviewed by the RTA and subject to the proposed road upgrades has no objection to the proposal on traffic grounds.</p> <p>6. Please refer to responses 1 & 2 above.</p>
Coopers Paddock should be a Regional Park and should be preserved because of its natural significance	7. Coopers Paddock is in private ownership and not a public horse riding area.
Coopers Paddock is one of the only public horse riding areas in Liverpool	8. The potential impact on threatened species has been considered by the ECR and specific threatened fauna matters (Powerful Owl & Varied Sittella) have been supported by specialist advice. The existing condition of the Riverflat Eucalypt Forest has been investigated and assessed using current biometric condition assessment protocol. The proposed rezoning and setting aside of the foreshore conservation area has likewise considered the ecological constraints to provide a balanced conservation and development zone outcome.
Coopers Paddock is the birthplace of thousands of birds (including pelicans) and all species of animals	The NSW Office of Environment & Heritage (OEH) has reviewed the ECR as part of this proposal. The OEH is of the view that the proposal is acceptable.
Increased traffic and truck movements around Chipping Norton	9. Please refer to response 5 above.

Issue Raised	Response
There is no benefit to anyone in Liverpool in the approval of this proposal	<p>10. The planning proposal provides an opportunity for the ATC (non-profit organization) to raise funds for the reinvigoration of Warwick Farm Racecourse proper which represents history and identity of the equine industry. The ATC have committed to utilising the funds ultimately generated from the planning proposal to be allocated to these works. In addition to this, employment opportunities for the Liverpool area will be generated by subsequent development.</p> <p>Furthermore, this planning proposal will significantly increase the extent of RE1/E2 zoned land that is publicly accessible within Coopers Paddock to 17.71ha and dedicate that land to Council as part of a proposed VPA, providing a positive open space outcome, compared with the existing situation, for the residents in the Liverpool area.</p>
GMD has too many heavy vehicles	11. Please refer to response 5 above.
Issues with right hand turn from GMD to HH	12. Please refer to response 5 above.
Coopers Paddock contains nine threatened species including the Powerful Owl, the little lorikeet and five rare micro bat species.	13. Please refer to response 8 above.
Coopers Paddock contains endangered eucalypt forest that is protected by law.	14. Please refer to response 1 above.
The woodlands provide quality breeding and feeding habitat for an extraordinary variety of birds including raptor, large and small forest birds, four locally significant species and two nationally significant migratory species. It is also habitat for many animal species including Grey Headed Flying Foxes and the Green and Golden Bell Frog.	15. Please refer to response 8 above.

Issue Raised	Response
A beloved landmark, to imagine Coopers Paddock destroyed provokes the same sense of horror and outrage that one might feel at the prospect of the Royal Botanic Gardens or Centennial Park being out to the bulldozer.	<p>16. It is difficult to compare Coopers Paddock with the Royal Botanic Gardens or Centennial Park as Coopers Paddock is currently in private ownership whereas the Royal Botanic Gardens and Centennial Park are designated public open space.</p> <p>Coopers Paddock is not currently public open space. Part of Coopers Paddock (i.e. River foreshore area) is currently zoned RE1 – Public Recreation but is yet to be acquired. This planning proposal will significantly increase the extent of RE1/E2 zoned land within Coopers Paddock to 16.95ha and dedicate that land to Council as part of a proposed VPA, providing a positive open space outcome compared with the existing situation.</p>
Preserve the open space for future generations	17. Please refer to response 2 above.
The NSW Government should acquire the paddock to ensure its protection	18. Please refer to response 3 above.
Cumulative traffic impacts of the proposal?	19. Please refer to response 5 above.
Pollution from Industrial development	20. Any future development would be (i) subject to Council's design specification controls for stormwater runoff etc. and (ii) be subject further development consent at which specific impacts associated with proposals would be considered as part of the environmental assessment framework provided under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.
Protect birdlife	21. Please refer to response 8 above.
Flood prone land	22. A flood impact assessment was submitted with the planning proposal demonstrating that the proposed development can be undertaken without adverse flood impact.
Need to preserve more parks	23. Please refer to response 2 above.
Alternative sites / possible land swap with government	24. There are no known comparable sites, no known or offered alternatives from Government.

Issue Raised	Response
<p>Conflicting land uses between industrial, residential and open space</p>	<p>25. The proposed RE1/E2 zone would provide a land buffer between the existing residential areas nearby and the land proposed to be zoned for industrial purposes. Any future industrial proposals would be subject to development consent. In assessing such applications Council would give consideration to the potential for land use conflict and deal with as necessary. It is considered that the proposed industrial and open space interface would be unlikely to lead to land use conflict. Nearby examples of open space and Industrial land co-existing are Rosedale Oval and the adjoining industrial area.</p>
<p>Liverpool is one of the fastest growing LGAs in Sydney. We need protect the open spaces for the expected growth for generations to come.</p>	<p>26. Please refer to response 2 above.</p>
<p>Increase industrial traffic on Governor Macquarie Drive operating 24 hours 7 days a week</p>	<p>27. Please refer to response 5 above.</p>
<p>Call on the Councilors to rezone the land to Environment conservation and recreation</p>	<p>28. Please refer to response 2 above.</p>
<p>Request that Council consider not supporting the rezoning of this area to industrial, or at least enforce a larger area to protect these threatened species of flora and fauna. This would give a greater area along the Georges River for the residents of Liverpool to enjoy.</p>	<p>29. Please refer to responses 1, 2 & 8 above.</p>
<p>The council should enforce development controls to enable tree preservation on the proposed industrial site as well as a reduced building footprint and request native plants for landscaping that are consistent with the protected site.</p>	<p>30. Council's current Development Control Plan 2008 includes controls for tree preservation and landscaping to comprise mainly of native species. Building footprints will be considered as part of the assessment of specific development proposals, and for the purpose of the rezoning, a significant portion of land will be conserved to ensure the significant environmental qualities of the site are maintained within the RE1/E2 areas proposed.</p>
<p>We need to keep the pockets of natural beauty for the citizens to enjoy</p>	<p>31. Please refer to response 2 above.</p>

Issue Raised	Response
Huge trucks and major industry has no place in our area	32. Trucks of various sizes and industry currently operate in the surrounding area to the proposal, in Warwick Farm and Chipping Norton. The traffic analysis and modeling undertaken has taken this into account and road improvements proposed as part of the VPA will mitigate traffic impacts.
We emphasize that Coopers Paddock supports 2 nationally significant migratory species, namely the Satin Flycatcher and Rufous Fantail. This is within the context of a rich diversity of other wildlife, at least 170 recently recorded species, including birds, mammals, frogs and reptiles. The endangered Green and Golden Bellfrog has been recorded here many times in the past.	33. Please refer to response 8 above.
The Georges River is arguably the scenic and much loved centerpiece of south-west Sydney. The lives and real estate values of surrounding residents are enriched by it remaining in good condition. In this otherwise highly urbanized middle floodplain section it is enhanced visually and ecologically by the current naturalness of this site. An industrial development on this site, will involve an exacerbation of hard surface runoff.	34. Please refer to response 2 above. Approximately 15 ha of the site is highly degraded from past and ongoing use of the site as a trotting/exercise area for horses. The ECR advises that these areas have significantly reduced to negligible ecological value. The proposed restoration and conservation areas to be dedicated to Council will provide for a balanced conservation and development zone outcome. Future development within the site would be required to satisfy Council's requirements for the management and treatment of urban runoff.
There is evidence that neither the council nor proponent have adequately considered the 'one lane in either direction' problem of William Long Bridge. Nor the impact of the incoming Hannanprint plant in the old Kimberley Clark factory (95 million dollars in plant, building its own railway siding) has been considered. The issue of who will pay for the widening of Governor Macquarie Drive is unresolved	35. Please refer to responses 4 & 5 above. The Hannanprint plan is to be connected to the Southern Sydney Freight Line (SSFL) circa 2013, allowing paper to be delivered to the site by rail, reducing the need for trucks to the site. Proposed GMD upgrades are part of a VPA between the ATC and Council, with the ATC responsible for the funding and construction of the works nominated in the VPA.

Issue Raised	Response
<p>The current rural ambience and horse breeding and racing presence is part of the identity of the area, and reflects its proud history. The area was in the 1800's owned by William Long, colonial Treasurer of NSW and breeder of champion racehorses, including the legendary Grand Flaneur, a Melbourne Cup winner.</p>	<p>36. The planning proposal provides an opportunity for the ATC (non-profit organization) to raise funds for the reinvigoration of Warwick Farm Racecourse proper which represents the most significant history and identity of the equine industry at Warwick Farm. The ATC have committed to utilizing the funds ultimately generated from the planning proposal to be allocated to these works.</p>
<p>Council should not approve the removal of 3.226ha of river-flat eucalyptus forest on coastal floodplains that is on the edge of the bushland.</p>	<p>37. Please refer to response 1 above.</p>
<p>Increase Traffic to Governor Macquarie Drive, Hume Highway, Nuwarra Road, Epsom Road</p>	<p>38. Please refer to response 5 above.</p>
<p>Increase of stables on the northern side of Governor Macquarie Drive</p>	<p>39. Stables are not part of this rezoning request. The existing LEP provisions permit stables subject to development consent. The proposed Warwick Farm Selling Centre is for stock & sales yard with the proposed stables to be only occupied as part of sales events.</p>
<p>The site is in proximity and sits directly across the river to a residential area</p>	<p>40. Please refer to response 25 above.</p>
<p>The proposal will result in the breaking up and loss to future generations of waterside land of largely natural appearance that stretches from Liverpool to Georges Hall.</p>	<p>41. Please refer to response 2 above.</p>
<p>Spoiling Liverpool Councils nicest area and drop in real estate value</p>	<p>42. Approximately 15 ha of the site is highly degraded from past and ongoing use of the site as a trotting/exercise area for horses. The ECR advises that these areas have significantly reduced to negligible ecological value. The proposed restoration and conservation areas to be dedicated to Council will provide for a balanced conservation and development zone outcome. Whilst recognizing that land values are largely subject to market conditions, these conservation outcomes could also be seen as having a positive effect.</p>

Issue Raised	Response
Land being given to Council is all in the flood zone and cannot be developed and therefore the developer has very little use of the land and in giving it away it is cheaper than paying rates	43. The land being dedicated to Council is flood prone, however it is the most valuable in terms of open space and ecological outcomes.
The Liverpool City Council residents will be paying to maintain the area if given to Council	44. As with all dedicated open space the Council would in the long term be responsible for maintenance. However the initial revegetation/open space works would be undertaken by the ATC at no cost to Council with an initial establishment/maintenance period (which is standard practice) being the responsibility of the ATC.
Access to this land by residents should be one of the most important considerations when determining the application	45. Please refer to response 2 above.
The eastern boundary should be west of the existing bushland to give the public better access	46. The proposed RE1/E2 area provides good connectivity with adjoining areas from a pedestrian and cycling perspective. This is a balanced outcome addressing environmental issues plus allowing private landowners to develop land.
The removal of 3.226 of river-flat eucalypt forest is unacceptable	47. Please refer to response 1 above.
A buffer of land should be maintained from the edge of the bushland to the start of the industrial estate	48. Please refer to response 8 above.
Include all coastal floodplain river flat forest in the Environment Protection zone, increasing this zones total area to about 17.7 ha (CFRF added). We consider that all of this endangered vegetation type on the site should be conserved, not just 79% of it. This would probably be achieved by extending the protected RE1 zone in the north-east of the site westwards to include the dense tree cover.	49. Please refer to response 1 above.

Issue Raised	Response
Extend the Environment Protection E2 zone northwards from its propose NW boundary to include the area with fairly dense tree cover and ground cover – about 1.5 ha, north or the proposed large “restoration area”.	50. Please refer to responses 1 & 8 above.
If Coopers Paddock becomes an industrial area, people won't be able to do enjoy birdsongs, breathe the fresh air, walk through the bushland ride bikes. Many people enjoy the peace and quiet.	51. Please refer to response 2 above.
There will be increased trucks running all day and night in Warwick Farm Moorebank Chipping Norton, and Liverpool.	52. Please refer to response 5 above.
It is scientifically documented that people benefit and are happier when they have the natural environment surrounding them. The rezoning must not go ahead.	53. Please refer to response 2 above.
Negative impacts on property prices	54. Land values are largely subject to market conditions. This is not
The Ecological Constraints Report prepared by Travers Bushfire and Ecology contained flawed reasoning and is inadequate to support the proposed rezoning	55. The ECR has been reviewed by the OEH with its findings accepted.
In view of the importance of Coopers Paddock to the conservation of the Varied sittella and other threatened species, TEC believe the area should be zoned Environment Conservation.	56. Please refer to response 8 above.
It is clear that Councilors originally had only scant and incomplete information at their disposal	57. All information submitted as part of the Planning Proposal is available to all Councilors.
Coopers Paddock is intrinsic part of our landscape, so much so that to destroy it is to destroy this community's very identity.	58. Please refer to responses 1, 2 & 8 above.

Issue Raised	Response
To imagine Coopers Paddock destroyed provokes the same sense of horror and outrage that one might feel at the prospect of bulldozers going through Centennial Park or the Botanical gardens	59. Please refer to response 16 above.
Coopers Paddock is a beloved local landmark	60. Please refer to response 2 above.
Coopers Paddock provides quality, feeding and sheltering habitat for an amazing variety of Wildlife, many of which are rare in this locality	61. Please refer to response 8 above.
The development of Coopers Paddock is in close proximity to residential areas and will have an extremely negative effect on the quality of our environment	62. Please refer to response 25 above.
Coopers Paddock must be preserved in its entirety	63. Please refer to response 2 above. Approximately 15 ha of the site is highly degraded from past and ongoing use of the site as a trotting/exercise area for horses. The ECR advises that these areas have significantly reduced ecological value. The proposed restoration and conservation areas to be dedicated to Council will provide for a balanced conservation and development zone outcome.
There should be a land swap within the LGA to enable Industrial land to be developed elsewhere in the Liverpool LGA	64. Please refer to response 24 above.
We were told that the ATC Chairman mentioned that Coopers Paddock will be developed into a transport and distribution development	65. There are no current proposals to do so. In any case, such would be subject to a development application process. Future proposals would be subject to development applications and assessment under relevant legislation.
It is difficult to imagine a more illogical, inequitable or unsustainable planning decision	66. The Planning Proposal provides justification of the proposal in terms of the need for the Planning Proposal, its relationship to the Strategic Planning framework, environmental, social and economic impacts and Commonwealth/State interests.
State Government should acquire Coopers Paddock	67. Please refer to response 3 above.
No industrial development at Coopers Paddock	68. Please refer to response 32 above.

Issue Raised	Response
The animals at Coopers Paddock should be retained	69. Please refer to response 8 above.
The proposed industrial land use is not appropriate form of development for the Coopers Paddock and will negatively impact on the existing wildlife	70. Please refer to response 8 above.
There will be increase amount of trucks and traffic on GMD and beyond	71. Please refer to response 5 above.
I don't not oppose the rezoning of Coopers Paddock	72. Noted. Please refer to response 66 above.
Objection to the amount of stables being proposed on the Inglis Development.	73. Please refer to response 39 above.

Attachment 3: Submissions Table (VPA)

Issue Raised	Response
Question the VPA's validity when the rezoning has not been brought to Council to date.	Under Section 93F of Environmental Planning and Assessment Act 1979, a VPA can either be required at the rezoning stage or the development application stage. This way the exact infrastructure commitment relate specifically to the proposed development or future likely development. This is a responsible approach and confirms the developer's commitment to infrastructure and contributions through a legally binding agreement for which there are penalties for non-compliance.
If the wishes of the community are to be taken into account, this would affect the outcomes outlined in this document.	The VPA does not have any legal status if the rezoning is not approved and therefore the list of infrastructure and works will not be undertaken.
There is no plan in the foreseeable future for the William Long Bridge to be widened.	The traffic study and traffic modelling did not necessitate the widening of William Long Bridge in conjunction with this rezoning. The RMS has agreed with this conclusion. Council may require bridge works in line with future proposals in the area.
The proposed Intermodal would utilize the GMD as an access road for trucks and further exacerbate the traffic problems.	During the future consultation and assessment phases for the Intermodal, Council will communicate the need for certain road upgrades.
Entering into any agreement prior to the rezoning is risky and fraught with problems.	The applicant is bound by the terms of the VPA and there are penalties for defaulting on these obligations. The VPA does not have any legal status if the rezoning is not approved and therefore the list of infrastructure and works will not be undertaken.
With so much unutilized industrial land in Liverpool, will desperation to fill the development allow the influx of heavier and less environmentally suitable tenants?	The range of permissible uses within the General Industrial zone is stated within Part 2 of Liverpool LEP 2008. Any future proposals will require a development application which would assess environmental implications.
I believe that once the determinations of Council have been rendered the ATC may consider presenting a modified version of the VPA, will it be brought back to the community for consideration?	The VPA has been drafted to support the specific rezoning proposal. Any amendment to the agreed VPA will require the re-exhibition for 28 days as per the Environmental Planning and Assessment Act and Regulation.

Issue Raised	Response
Upgraded infrastructure and proper cycle ways should be forthcoming and not contingent on this development.	With its Bicycle Plan 2009, Council has identified a number of bicycle paths across a regional network. Council however does not have the capacity to fund the majority of required works and as such, Council utilizes the rezoning process to provide an opportunity to negotiate public infrastructure for the benefit of residents and visitors. The proposed road upgrades relate to future developments requirements for access and potential increase in traffic congestion and therefore are to be provided by the developer.
It is of concern that Council may be making bad decisions in order to offset what it perceives are some of the costs of maintaining and upgrading Governor Macquarie Drive. Arrange for the RTA to maintain Governor Macquarie Drive.	At this point in time Governor Macquarie Drive does not fulfil the requirements for an arterial road and no request from the RTA to take control of the road has been forthcoming. However the RMS (Formally the RTA) has indicated that Governor Macquarie Drive may be considered for transfer into their control in the future.
Is the William Long Bridge owned by Council or the RTA? If owned by RTA will they duplicate it to support development?	The William Long Bridge is owned by Council. The Traffic report concludes that no upgrade is required at this stage. The RTA/RMS has not requested the upgrade of the bridge.
Is council or RTA responsible for the upgrade of the intersection of Hume Highway/Governor Macquarie Drive?	The RMS is responsible for the Hume Highway and its intersections.
Upgrades to the intersection required prior to the proposed traffic load are imposed on the road.	The Voluntary Planning Agreement sets the timing for the delivery of upgrades to ensure they are delivered prior to operational traffic loads as follows, i.e deliver the works prior the issuance of ; a Subdivision Certificate for a plan that when registered would create an Industrial Lot; an Occupation Certificate for any Development on the Industrial Land or; an Occupation Certificate for any Development on the Inglis Site, whichever occurs first.
The issue of the increase in capacity on Hume Highway needs to be addressed.	The RTA/RMS controls any upgrades to Hume Highway as it is an arterial road. The RTA/RMS have reviewed the proposals and agreed to the list of VPA proposed works.
The VPA does not specify a location for kerb and guttering, median strips and lighting to Governor Macquarie Drive	The kerb and guttering, median strips and lighting will occur on the dual carriageway of the proposed Governor Macquarie Drive upgrades. A detailed design for the upgrades works is to be undertaken,

Issue Raised	Response
<p>Deferral of the widening of Governor Macquarie Drive to support development will lead to inappropriate locations for kerb and guttering. Deferring the widening will also lead to the discharge of thousands of additional (heavy) vehicles on the same single lane road.</p>	<p>The VPA (and any commitments within it) would not occur without the rezoning being endorsed and gazetted. The upgrades would have to be undertaken prior to development being operational.</p>
<p>Environmental Area (E2) should be protected with conservation – standard vermin proof fences with locked gates. This should be part of the VPA.</p>	<p>The VPA requires the formulation of a Vegetation Management Plan which is to include recommendations for the management and restoration of the conservation area.</p>
<p>What is going to happen to the Eucalypt trees along Governor Macquarie Drive?</p>	<p>It is envisaged that many trees adjacent to the roadway may be removed to facilitate road widening. Future surveys would determine the exact trees affected by such works.</p>
<p>The SP1 zone would be a more appropriate zone to protect the land.</p>	<p>The SP1 Special Activities zone is applied to land with a nominated special activity that is not provided for in other zones. In this case, the conservation and protection of the land is in line with the objectives of the E2 Environment Conservation zone, as recommended by the Office of environmental and Heritage.</p>
<p>The proposed developments (within the area) include; Increase activity for business in the horse trainers neighbourhood Munday Street Home Improvement Centre Intermodal at Moorebank Bankstown Airport Increase freight activities</p>	<p>Any development application regarding the Intermodal or Bankstown airport would need to be assessed Federal and State Government legislation. Council has objected to the Intermodal citing traffic as a major consideration. LCC will continue to advocate and if appropriate, strongly suggest upgrades to road networks if approvals are likely to be granted. Also, this rezoning and upgrades have been formulated in consideration of the Munday Street proposal.</p>
<p>Although the ATC will give LCC land, Part 3.1(4) states that LCC will give residual on either side of GMD, between GMD and the ATC site, not required for the road to the ATC. What does this mean exactly?</p>	<p>The existing alignment of GMD does not align with the land deemed a road reservation. The aim of this VPA clause is for lot and DPs to be corrected so that the GMD is on land deemed a road reservation. Small portions of excess land that is not required for road will be dedicated to the ATC.</p>

Issue Raised	Response
In addition LCC will accept the risk and control if the land and the land it has given to the ATC. Does this mean that maintaining the land that LCC gives to the ATC will be an ongoing cost for LCC?	Certain land transfers are required to facilitate the appropriate road reservation. Council has a responsibility for care and control of land within that road reservation.
Part 5.1 states that LCC can issue a defects notice, but only within 12 months after the work is completed. Does this mean that LCC is responsible for maintaining the changes to GMD after an initial period?	Council will be responsible for ongoing maintenance of GMD as it is does for local roads generally.
Can LCC place demand on future development of the industrial land to ensure that is compliments rather than degrades the Inglis sale yards directly opposite?	Council would assess the integration of any development proposal as a matter for consideration under a development application.
Does this mean that the proposed IN1 area can be subdivided to allow a mixture of industrial purposes	Yes, the minimum lot size is 2000 square metres. Regardless of subdivision, the range of permissible uses are listed within Part 2 of the Liverpool Local Environmental Plan 2008