

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 by B double vehicles is 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. The design for all traffic improvements provided in schedule 3 Coopers Paddock VPA shall be submitted to Council's Manager of Traffic and Transport.
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. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of Governor Macquarie Drive.
40. 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

41. 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.
42. 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.
43. 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

44. 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.
45. 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.
46. 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.
47. 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

48. 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

49. 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.
50. 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.
51. 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.
52. 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

53. 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

54. 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

55. 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

56. 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

57. 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

58. 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

59. 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

60. 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.
61. 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

62. 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.

63. 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.

64. 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

65. 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

66. 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

67. 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

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

General Site Works

69. 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.
70. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
71. 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.
72. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
73. 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

74. 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

75. 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

76. 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.
77. Any works or activities shall adhere to the recommendations outlined in the approved Flora and Fauna Report prepared for the site.
78. 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.
79. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
80. 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.
81. 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.
82. 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

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

Graffiti

84. 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

85. 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).

86. 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

87. 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.
88. 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

89. 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.
90. 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

91. 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.
92. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
93. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

Water Quality

94. 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

95. 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.
96. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Bushfire

97. 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

98. 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.
99. 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.

100. 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.
101. 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.
102. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.

Voluntary Planning Agreement (VPA) requirements

103. 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
104. 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

105. 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
106. 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

107. 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

108. 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

109. 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

110. 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

111. 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

112. 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

113. 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.

114. Trading shall not commence until an OC has been issued by the PCA.
115. 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.
116. 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
117. 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:

Temporary use of studios

118. The use of the studio apartments provided as an ancillary component of this development is restricted to temporary accommodation for equine industry staff associated with sales events only.

No other permanent residential accommodation, with the exception of the Manager's residence is to be provided within the development site.

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.