

JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	2015SYW089
DA Number	DA-333/2015
Local Government Area	Liverpool City Council
Proposed Development	Construction and use of 4 warehouse facilities, associated internal access roads and car parking and signage.
Street Address	Lot 42 DP1201607, 200 Governor Macquarie Drive, Warwick Farm
Applicant/Owner	Applicant – Stockland Development Pty Ltd Owner – The Trust Company Pty Ltd
Number of Submissions	11
Regional Development Criteria (Schedule 4A of the Act)	The proposal has a capital investment value of over \$20 million, the Joint Regional Planning Panel is therefore the determining authority.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • <i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</i> <ul style="list-style-type: none"> • Contaminated Land Management Act 1997. • Water Management Act 2000. • State Environmental Planning Policy No.55 – Remediation of Land. • State Environmental Planning Policy (Infrastructure) 2007. • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. • Liverpool Local Environmental Plan 2008. • <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i> <ul style="list-style-type: none"> • N/A • <i>List any relevant development control plan: s79C(1)(a)(iii)</i> <ul style="list-style-type: none"> • Liverpool Development Control Plan 2008. <ul style="list-style-type: none"> - Part 1 – General Controls for all Development. - Part 7 – Development in Industrial Areas. • <i>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</i> <ul style="list-style-type: none"> • Planning Agreement Inglis, Coopers Paddock, Warwick Farm; Ref, 65 35 4369 JRT

	<ul style="list-style-type: none"> List any coastal zone management plan: s79C(1)(a)(v) <ul style="list-style-type: none"> The subject site is not within any coastal zone management plan. List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> Consideration of the provisions of the Building Code of Australia.
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> Final Conditions Of Consent Approved Architectural Plans Approved Landscape Plans Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd Supplementary Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd BCA Assessment Report prepared by Blackett Maguire + Goldsmith Bushfire Protection Assessment Prepared by Travers Bushfire & Ecology Fire Safety Strategy prepared by Raw Fire – Fire Safety Engineering Noise Impact Assessment prepared by Acoustic Logic Stormwater Management Plan prepared by MPN Consulting Industrial Vegetation Management Plan prepared by Travers Bushfire & Ecology Statement of Environmental Effects Voluntary Planning Agreement Vegetation Management Plan for the foreshore lands prepared by Travers Bushfire & Ecology. Ecological Constraints Report prepared by Travers Bushfire & Ecology for the rezoning application OEH Response to Ecological Constraints Report RMS In-principle support of signalised intersection Final Consent issued for DA-233/2015 Approved Contamination Assessment Report under DA-233/2015 Supplementary letter on contamination approved under DA-233/2015 prepared by Douglas Partners Redacted version of submissions Legal advice provided by the applicant regarding draft conditions Applicants response to draft conditions Draft conditions forwarded to the applicant
Recommendation	Approval
Report by	George Nehme

Report date	March 2016
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1. EXECUTIVE SUMMARY

1.1 Reasons for the report

Sydney West Joint Regional Planning Panel is the determining authority as the Capital Investment Value of the development is over \$20 million, pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979.

1.2 The proposal

The propose development consists of the construction and use of 4 warehouse facilities, associated internal access roads and car parking and signage.

1.3 The site

The subject site is known as Lot 42 in DP1201607, 200 Governor Macquarie Drive, Warwick Farm and is located on the southern side of Governor Macquarie Drive.

1.4 The issues

The main issues are identified as follows:

- Widening of Governor Macquarie Drive and the need for different intersection treatments
- Consistency with the applicable Voluntary Planning Agreement (VPA)
- Traffic Concerns

1.5 Exhibition of the proposal

The development application was advertised for a period of 30 days between 20 May 2015 and 19 June 2015 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008).

During the exhibition period eleven submissions were received. The issues raised within the submissions are discussed further within the report.

1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979. Based on the assessment of the application it is recommended that the application be approved subject to the recommended conditions of consent.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is known as Lot 42 in DP1201607, 200 Governor Macquarie Drive, Warwick Farm. An aerial photograph of the subject site is provided below.



Figure 1: Aerial photograph of the site and surroundings – Source: Eview

The site is an irregular shaped allotment with a total area of approximately 11.49 hectares. The frontage of the development site is to Governor Macquarie Drive and is 448.8m in length. The subject site is zoned IN1 General Industrial.

The subject site was part of a larger allotment known as Lot 4 Governor Macquarie Drive, as shown in figure 2 below. Lot 4 Governor Macquarie Drive was subject to a rezoning application (RZ-4/2010). Lot 4 was originally zoned RE2 Private Recreation. The rezoning application sought to rezone Lot 4 into 3 separate zones being RE1 Public Recreation, E2 Environmental Conservation and IN1 General Industrial. The rezoning application was approved and gazetted by Liverpool Local Environmental Plan 2008 Amendment No.14 (Coopers Paddock and Inglis Site) on 17 August 2012.



Figure 2: Aerial photograph of the site prior to subdivision– Source: Eview

Subsequent to the rezoning, a development application was lodged which sought to subdivide Lot 4, into three separate Torrens title allotments (DA-418/2014). The subdivision sought to create the three lots along the zone boundaries created by the rezoning application. The subdivision was approved by Council on 4 September 2014. The approved subdivision created the following lots;

- a) Lot 41 – The portion of lot 4 which is zoned RE1 Public recreation and located on the eastern portion of the site adjacent to the Georges River and has a total site area of 2.508ha.

- b) Lot 43 – The portion of lot 4 which is zoned E2 Environmental Conservation and occupies the southern portion of Lot 4 and has a total site area of 16.09ha.
- c) Lot 42 – The portion of lot 4 which is zoned IN1 General Industrial and is located on the northern portion of the site fronting Governor Macquarie Drive. Lot 42 has a total site area of 11.49ha and is the allotment that is subject of this development application.

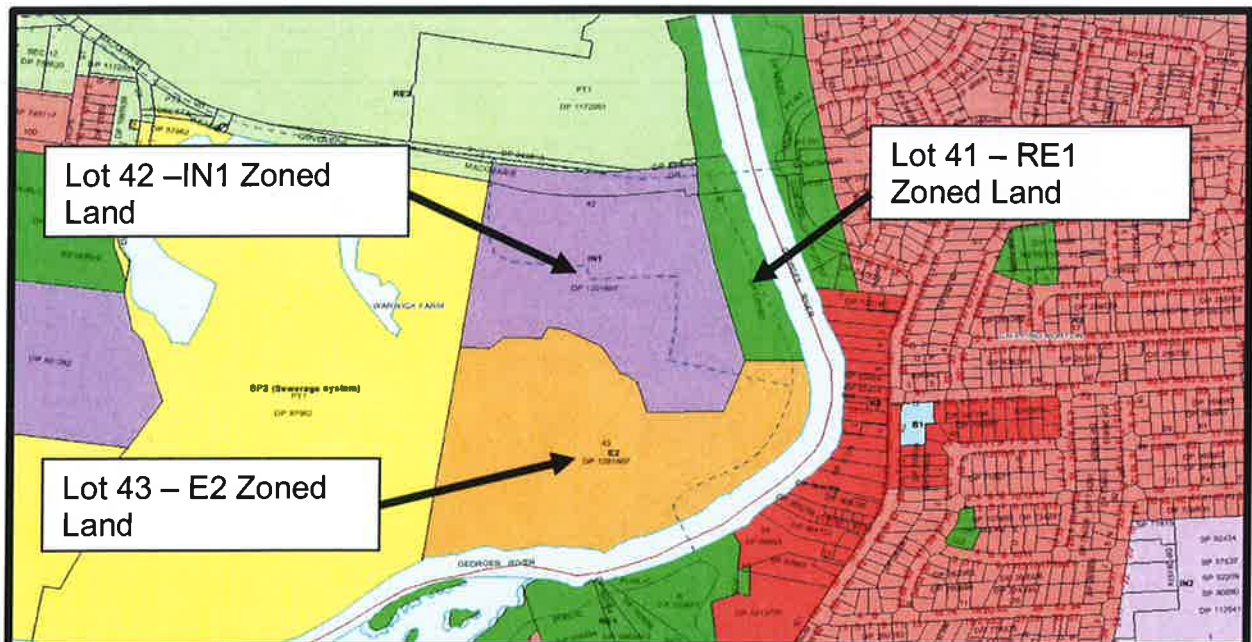


Figure 3: Extract from Zoning Map, identifying 3 separate lots– Source: Evview

At a Council meeting on 19 December 2011, Council resolved to enter into a Voluntary Planning Agreement which encompassed the subject site. The parties to the VPA are Council and the Australian Turf Club (ATC). The VPA outlined a schedule of works that were required to be completed within certain timeframes. The schedule of works included but were not limited to traffic improvements, land dedication, remediation of foreshore land and the construction of a shared bicycle and pedestrian paths. The contents of the VPA are discussed in detail further in this report (Attachment 13).

Currently the site contains a warm-up and training area that is utilised by the adjacent Warwick Farm Racecourse to prepare thoroughbred racehorses for race meets. The site also contains training tracks and access paths along with derelict buildings that are no longer in use.

Many of these structures are currently in the process of being demolished as DA consent was issued on the subject site for the demolition of training facilities, proposed bulk earthworks, associated vegetation clearing and site servicing on 9 October 2015 (DA-233/2015). As per the conditions of consent stipulated in DA-233/2015 (Attachment 18), Council has received written notice that the applicants have proceeded to commence works on the site.

2.2 The locality

The subject site is located on the southern side of Governor Macquarie Drive Warwick Farm. The surrounding locality is predominately characterised by heavily vegetated vacant lots of land. Directly west of the subject site is a sewerage treatment plant. Located east of the subject site, across the Georges River is low density residential area. Located north of the subject site across Governor Macquarie Drive is the Warwick Farm Racecourse and associated facilities. Located south of the subject site is a heavily vegetated vacant lot of land.



Figure 4: Surrounding locality

2.3 Site affectations

The subject site has number of constraints, which are listed below:

Flooding

The proposed development site is located on the floodplain of the Georges River. The site is affected by flooding under the 1% Annual Exceedance Probability (AEP) event. The 1% AEP flood levels within the site vary from 8.4m to 7m Australian Height Datum (AHD). A detailed assessment against the Liverpool Local Environmental Plan 2008, flooding provisions are detailed in this report.

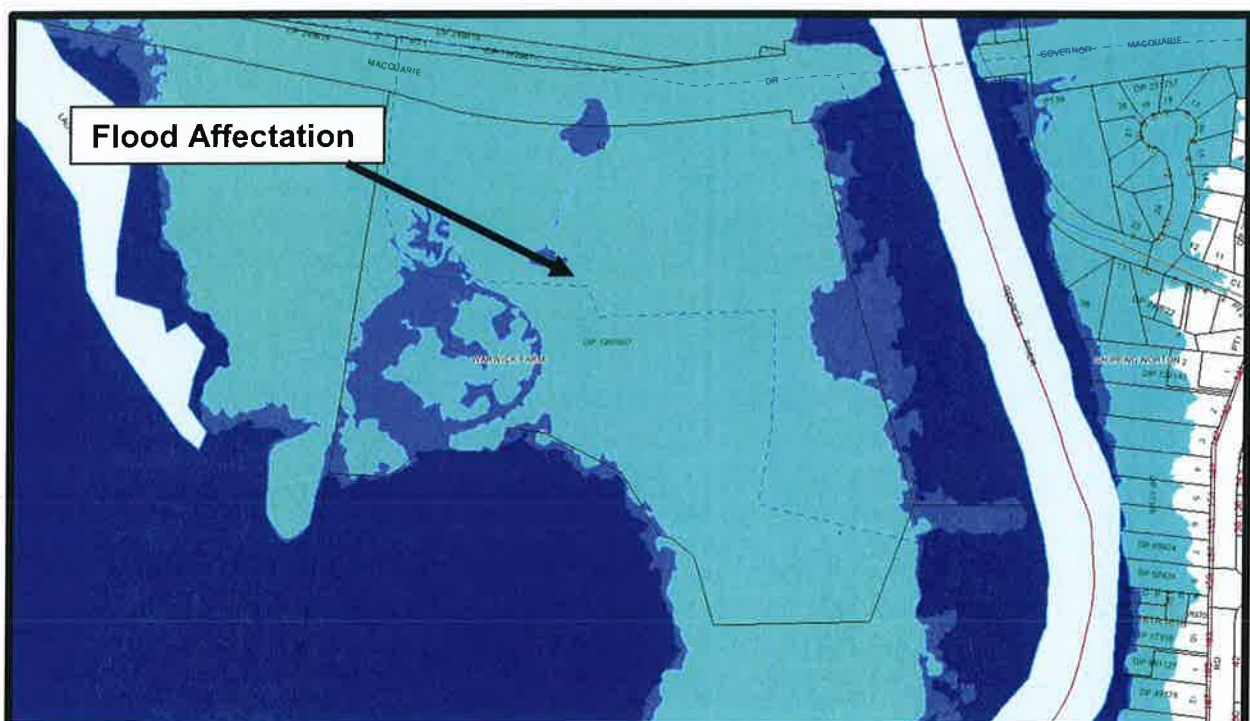


Figure 5: Flood map – Source: Evview

Threatened Ecological Community

Council's mapping indicates that parts of the site contain a threatened ecological community. As detailed previously in this report, the subject site was part of a larger allotment known as Lot 4 Governor Macquarie Drive which was subject to a rezoning application (RZ-4/2010). As part of the rezoning application an Ecological Constraints Report was prepared and approved. The Ecological Constraints Report was prepared by Travers Bushfire & Ecology, dated August 2011, reference A11012 (Attachment 15).

The above mentioned Ecological Constraints Report identified in respect to the requirements under the EP& A Act 1979, eight threatened fauna species were recorded within or in close proximity to the site. The threatened fauna species recorded included 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. One endangered ecological community was recorded being River-flat Eucalypt Forest. No endangered populations were recorded on site or considered likely to occur.

With respect to matters required to be considered under the Environment Protection and Biodiversity Conservation Act (1999), the report identified one threatened fauna species being the Grey-headed Flying Fox, two protected migratory fauna species, being the Rufous Fantail and Satin Flycatcher. No threatened flora species were recorded within the subject site. No endangered ecological communities under national legislation were recorded within the subject site and no endangered populations were recorded on site or considered likely to occur.

The Ecological Constraints Report concluded the following;

The proposed rezoning:-

- *Satisfies the requirements of REP No 2 – Georges River Catchment and proposed additional measures to mitigate against areas of inadequate vegetation buffers.*
- *Satisfies the requirements of Planning for Bush Fire Protection 2006.*
- *Satisfies the requirements of the NSW State Rivers and Estuaries Policy and the NSW Wetlands Management Policy.*
- *Runoff from developed areas can be collected, treated and filtered to improve water quality within the Georges River and its tributaries.*
- *Reduces the loss of riparian vegetation and controls invasive weed species through an implemented vegetation management plan.*
- *Avoids damage to river banks and channels.*
- *Maintains terrestrial and aquatic biological diversity and provides fauna habitat and corridors.*

The proposed rezoning will remove 3.226 ha of the EEC – River-flat Eucalypt Forest on Coastal Floodplains. The level of offsetting afforded by the proposed rezoning is considered from the perspective of the EEC – River-flat Eucalypt Forest on Coastal Floodplains. We note that the critically endangered ecological community - Cumberland Plain Woodland, is not present in Coopers Paddock. The proposed zoning boundary, as proposed for protection of the Powerful Owl, increases the vegetation offset ratio (area restored/conserved to area removed) from 2.84:1 with the current proposed boundary to 5.2:1 with the new boundary. The total conservation area has been increased to 16.95 ha.

The proposed conservation area is sufficient the habitat requirements of the Powerful Owl and Varied Sittella. Experts in their respective fields, John Young and Dr Richard Noske, have been engaged to ensure that these two main species of concern have been appropriately considered. The area also adequately conserves the existing native vegetation

and provides foraging, roosting and breeding habitat for the other recorded threatened fauna species and those with potential to occur.

A total of 10.7 ha of open forest retention areas will be protected. 6.25 ha of disturbed landscapes will be 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 sightings and around/within the circular track in the south-western portion of the subject site.

Adequate buffers have been provided in accordance with REP 2 – Georges River Catchment and alternative measures are proposed to compensate for edge effects where buffers are compromised.

The Ecological Constraints Report also made the following recommendations with respect to the protection of the Powerful Owl

- *A recommended conservation area boundary line has been identified as necessary to maintain a viable nesting and roosting area for observed pair of owls. The proposed conservation area covers all of the major activity areas as well as including all major connective strips of forest habitat. John Young would therefore like it to be totally protected with native habitat enhancement works where possible to improve habitat also for prey species.*
- *The 70 m Powerful Owl buffer is to be revegetated. Revegetation should utilise plants native to the area such as the dark rough barked eucalypt species preferred by Powerful Owl.*
- *Disturbance is to be avoided within the core roosting and nesting territory for Powerful Owl. At present Lantana is providing a positive role to this by preventing human access and disturbance. Where native revegetation is to occur in this area it should not be undertaken in the breeding period between March and September or any time the owls are observed present. No machinery is permitted and native regeneration should be undertaken in small areas at a time with no large open clearings at any time.*
- *There is an existing horse trail which runs through the roosting site, is to be relocated to reduce the risk of disturbance to the Powerful Owl during the laying/nesting period.*

Aside from the recommendations for the protection of the Powerful Owl community the report provided a wide variety of recommendations to protect the remaining significant flora and fauna communities on the site and the surrounds. The range of recommendations include but are not limited to the following;

- *Weed control within the yellow revegetation area to the north of the core Powerful Owl roosting area is also only to be undertaken outside of the breeding period of March to Late September.*
- *Weed control is to be progressively implemented over a 5 year period within all remain vegetation areas outside of the core Powerful Owl roosting and nesting area. The weed control works are to ensure adequate regeneration of native understorey species to maximise foraging habitat minimise disturbance to existing fauna. Low impact bush regeneration methods are to be implemented across the site in preference to large scale and rapid works.*
- *The boundaries of the protected areas should be clearly marked out on-site to ensure their protection.*
- *The felling of all hollow-bearing trees should be conducted under the supervision of a fauna ecologist. Hollows of high quality or with fauna recorded residing within should be sectionally dismantled and all hollows should be inspected for occupation, activity*

- *Where possible existing EEC - River-Flat Eucalypt Forest on Coastal Floodplains, should be restored or regenerated in open areas through a combination of biotic translocation and revegetation works.*

[illegible]

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The VPA schedule of works also required a Vegetation Management Plan (VMP) to be submitted and approved by Council that is consistent with the Ecological Constraints Report. As a consequence two separate Vegetation Management Plans have been provided. The first VMP was prepared by Travers Bushfire & Ecology, dated October 2015, reference A14149 (Attachment 14). This VMP covered the foreshore lands surrounding the subject site (i.e. the RE1 and E2 zoned land). The VMP for the foreshore lands, provided a range of weed clearance works, bush regeneration works, revegetation works and flora and fauna management methods to be implemented and maintained during works within the foreshore lands. The VMP for the foreshore lands was reviewed by Council's Natural Resource Planner and considered acceptable and consistent with the Ecological Constraints Report prepared for the rezoning. The timing and completion of the works within the foreshore lands are stipulated within the schedule of works within the VPA.

A separate VMP was lodged by the applicants to cover the industrial zoned site that is subject to this DA. The VMP was submitted and considered as part of a bulk earthworks development application approved on the site on 9 October 2015 (DA-233/2015). The VMP for the industrial site was prepared by Travers Bushfire & Ecology, dated March 2015, reference A15009V (Attachment 11). Similarly to the VMP for the foreshore lands, this VMP provided a range of weed clearance works, bush regeneration works, revegetation works and flora and fauna management methods to be implemented and maintained prior, during and post construction on site. Within the VMP prepared by for the industrial zoned land, details were provided that detailed protection measures that are to be implemented to protect the Powerful Owl Habitat along the southern boundary of the site, within the E2 zoned land. The protection measures specified for the Powerful Owl buffer area include the following;

- a) *The use of dense shade cloth affixed to a 1.8m high chain-link fence surrounding the south-eastern boundary during construction to limit reflected sunlight and night light shine from vehicles and equipment into the Powerful Owl buffer and nesting area.*
- b) *Post construction, a planted row of Casuarina glauca will be installed as a visual barrier to filter out car park and other lighting in the long term. The planted trees are expected to grow to an approximate height of 13-20m when mature, which will provide a long term visual barrier to minimise breeding disturbance.*

The VMP provided for DA-233/2015 was reviewed by Council's Natural Resource Planner and considered satisfactory. Accordingly the following conditions of consent were imposed on DA-233/2015 to ensure compliance with the VMP;

Vegetation Management Plan

30. *Implementation of works outlined in the approved Vegetation Management Plan, prepared by Travers Bushfire & Ecology, reference: A15009V, dated March 2015, as they relate to Lot 42 shall be initiated prior to commencement of any site works. The Vegetation Management Plan shall be implemented by person or persons with appropriate knowledge, qualifications and experience in current best practices of indigenous vegetation rehabilitation and management.*

Note: *"Initiated" means all works, processes and procedures prior to works commencing that are to be in place or commenced as stipulated in the above-mentioned VMP are to be in place or have commenced.*

48. *A monitoring report on the progress of the approved Vegetation Management Plan prepared by Travers Bushfire & Ecology, reference: A15009V, dated March 2015 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.

69. The approved Vegetation Management Plan prepared by Travers Bushfire & Ecology, reference: A15009V, dated March 2015 shall be implemented, and all works the subject of the Vegetation Management Plan carried out.

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

The reason for two separate VMP's was because after the rezoning application was approved, a development application for subdivision (DA-418/2014) was approved by Council. The subdivision approval created three separate lots being the IN1 General Industrial lot, the RE1 Public Recreation Lot and the E2 Environmental Conservation Lot. The RE1 and E2 lots remained in the ownership of the ATC which were the primary party with the VPA along with Council. The IN1 was sold to a private investor. For due process a separate VMP was provided for the E2 and RE1 land prepared by ATC in accordance with the VPA, to avoid stifling any DA process for the IN1 land and ensure any works stipulated in the VMP for these lots are undertaken in accordance with the VPA. Notwithstanding the above a separate VMP was lodged, considered and approved for the IN1 zoned lots as part of a separate DA process (DA-233/2015). The two separate VMP's distinguished the responsibilities as to the nature of works that would need to be undertaken by the land owner of the IN1 zoned lot and the adjoining E2 and RE1 zoned lots.

As can be seen from the above, the proposed development and the surrounding lots that were subject to the rezoning have effectively addressed the impact on the identified threatened ecological flora and fauna communities identified on the site. Conditions have been imposed on previous consents and this consent applying to the subject allotment to ensure the measures identified in the approved VMP are implemented.

Bushfire

The subject site is located within a Bushfire prone area. As part of the application a Bushfire Protection Assessment was lodged, prepared by Travers Bushfire & Ecology, dated March 2015, reference A15009B (Attachment 7). The bushfire assessment proposed an Asset Protection Zone of 6-8m, contained wholly within the development site. The assessment report was referred to the NSW RFS for comment and they provided correspondence to Council dated 17 September, stating that they raise no objection to the proposal subject to compliance with the recommendations in the *Bushfire Protection Assessment* prepared by Travers bushfire & ecology referenced A15009B and dated March 2015.

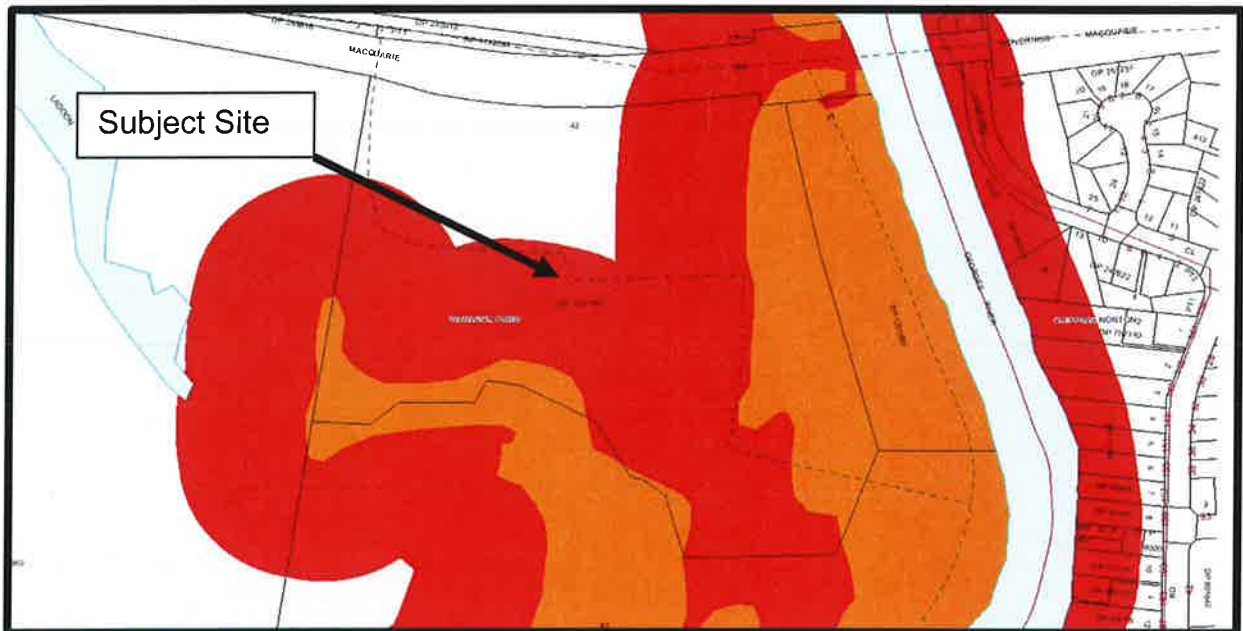


Figure 7: Bushfire Prone Land – Source: Evview

Acid Sulfate Soils

The subject site is located within a class 5 Acid Sulfate Soils Zone. The proposed development is not considered to create a detrimental impact with regards to Acid Sulfate Soils.

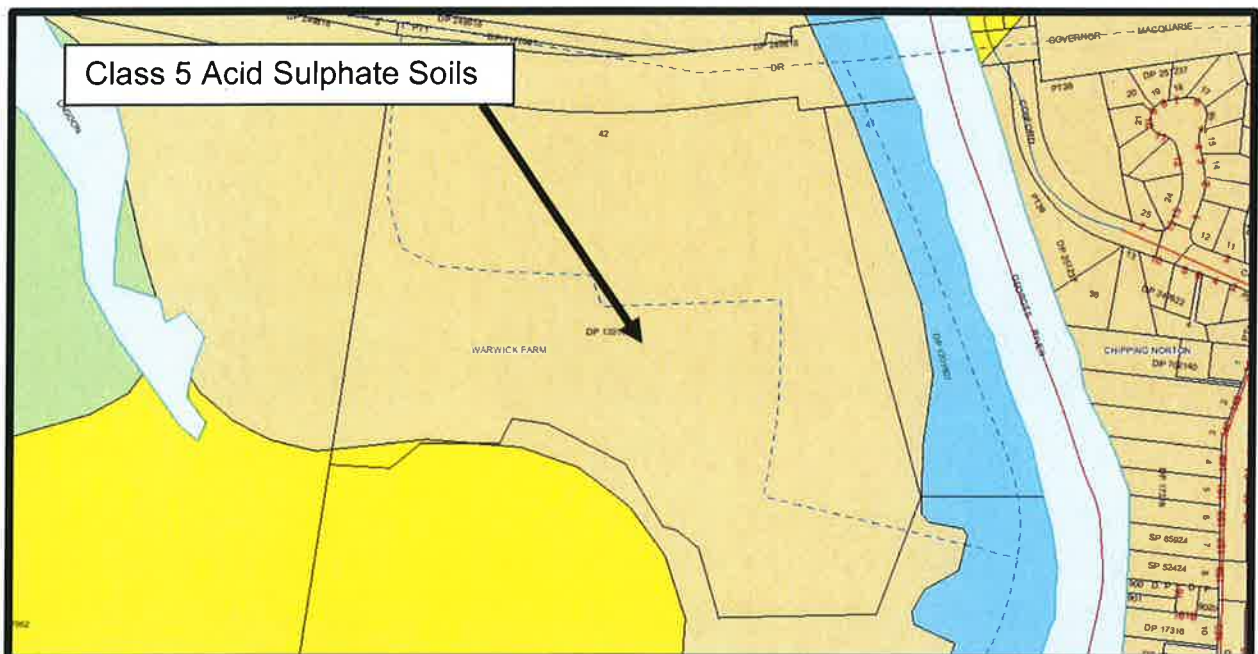


Figure 8: Acid Sulphate Soils – Source: Evview

Traffic Generating Development

The subject site is a traffic generating development, pursuant to Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007, as the proposal involves an industrial development with a GFA exceeding 20,000m². The applicant has submitted a traffic impact assessment as part of the proposal. The RMS reviewed the proposal pursuant to schedule 3 of the SEPP Infrastructure and provided their General Terms of approval that have been included as part of the conditions of consent (Attachment 1).

3. BACKGROUND

3.1 Related applications

a) Planning proposal

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

The planning proposal also led to the creation of a Voluntary Planning Agreement (VPA) between the landowner at the time being Australian Turf Club (ATC) and Liverpool City Council, which include public works and land dedication comprising remediation and management of certain land, relocation and reconstruction of part of Governor Macquarie Drive and traffic improvements.

b) Development Application for the relocation and reconstruction of a portion of Governor Macquarie Drive (DA-27/2012)

Approval was granted on 9 October 2012 for the relocation and construction of a portion of Governor Macquarie Drive. As a consequence of the approval, the front boundary of the subject site had to be re-designed to accommodate the new road alignment as well as the introduction of specific intersection treatments at the intersection of the subject site and Governor Macquarie Drive.

c) Development Application for the subdivision of existing allotment into three Torrens title allotments (DA-418/2014)

Approval was granted for the subdivision of the existing allotment into three Torrens title allotments on 4 September 2014. The subdivision sought to create three individual lots in accordance with the amended zone boundaries created with the rezoning approval. The subdivision approval created lot 41 being the portion of the site zoned RE1 Public Recreation located on the eastern boundary of the development site. The subdivision approval also created lot 43 located along the southern portion of the site zoned E2 Environmental Conservation. The subdivision created lot 42, which is the portion of the site zoned IN1 General Industrial and is subject to this development application.

d) Development Application Lot 42, 200 Governor Macquarie Drive Warwick Farm (DA-233/2015)

Approval was granted on 9 October 2015 for the demolition of training facilities, proposed bulk earthworks, associated vegetation clearing and site servicing on the subject site.

3.2 JRPP Briefing

A briefing meeting was held on 2 July 2015. The main outcomes of the briefing meeting with the JRPP are summarised below:

- Traffic was of concern, advice required from the RMS, which specifies exact measures required for intersection treatment (i.e. roundabout or traffic signals)
- Usage details need to be specified to consider the cumulative traffic impacts on the surrounding locality.

Amended Documentation and Design

In response, the applicant amended the development application as follows:

- In response to the concerns on 14 October 2015 the applicants submitted an addendum to the traffic report (Attachment 5), and requested an amendment to the proposal, to include the use of the buildings for the purpose of warehouses. The intent of the amended information was to detail the necessary traffic generation, created solely for a warehouse development as the requirement to consider the highest and most intensive possible use permitted on site as onerous.
- Council has resolved to amend the intersection of the subject site and GMD from the approved roundabouts to a signalised intersection. The RMS has provided Council with an in-principle approval (Attachment 17). The intersection re-design is discussed further in this report.

4. DETAILS OF THE PROPOSAL

Development consent is sought for the construction and use of 4 warehouse facilities, associated internal access roads and car parking and associated signage. Details of the proposal are as follows;

- Warehouse 1 is to be constructed along the northern front boundary of the site. Warehouse 1 is to have a total warehouse GFA of 5,840sqm along with 530sqm of office space located at the mezzanine level.
- Warehouse 2 is to be constructed at the north-western portion of the subject allotment. Warehouse 2 is to have a total warehouse GFA of 3,010sqm, along with 405sqm of office space located at the mezzanine level.
- Warehouse 3 is to be constructed along the southern boundary of the subject site. Warehouse 3 is proposed to have a total warehouse GFA of 17,260sqm along with 984sqm of office space at the mezzanine level.
- Warehouse 4 is to be constructed along the western boundary of the subject site. Warehouse 4 is proposed to have a total warehouse GFA of 22,450sqm along with 1,244sqm of office space at the mezzanine level.
- There are a total of 345 car spaces proposed that are dispersed throughout the site amongst each warehouse.
- The proposal also involves the construction of an internal private estate road to service the proposed facilities.
- The development also involves the construction of 2 signs for the purpose of estate identification signage. The dimensions of both signs are 9.7m x 2.96m and both are located on either side of the entry driveway fronting the site along the northern boundary.
- Use of the warehouses for the purpose of a warehouse and distribution centre.

Plans of the proposed development are shown in figures 9-10 below;

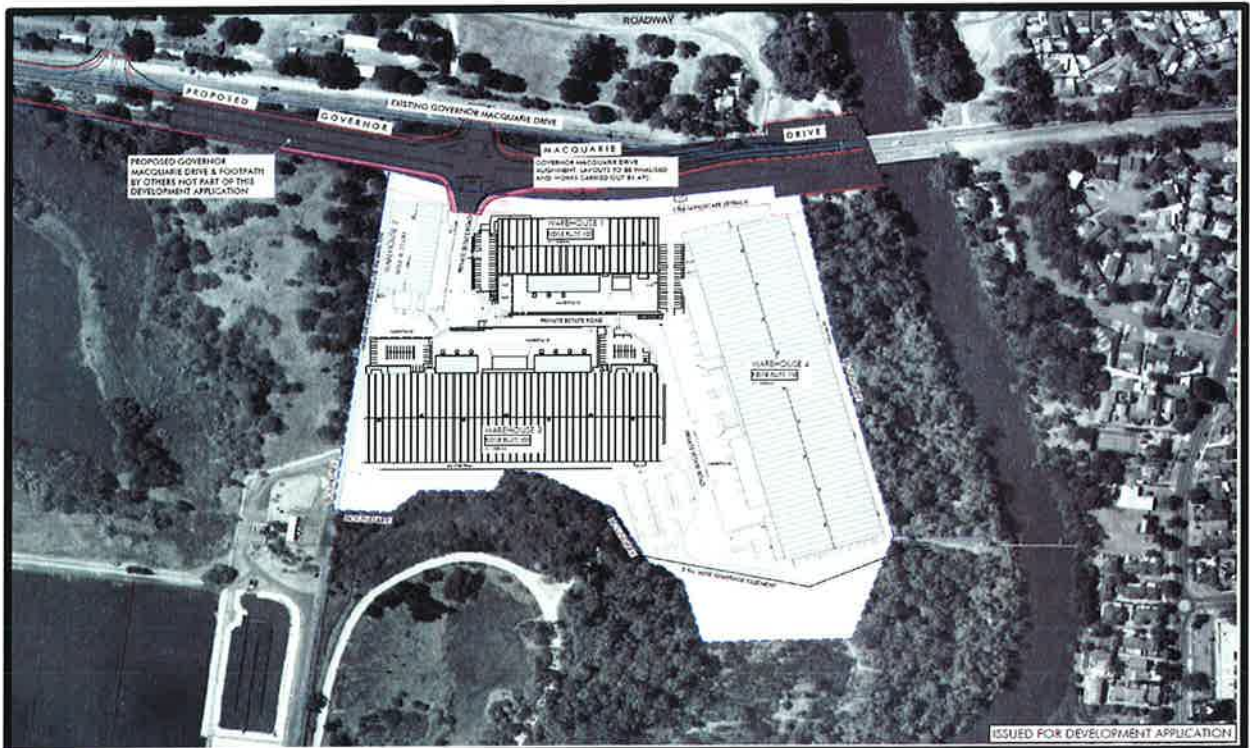


Figure 9: Site Plan



Figure 10: Perspective

4.1 History

- 1) The subject DA was lodged with Council on 1 May 2015.
- 2) The subject DA was placed on exhibition between for a period of 30 days between 20 May 2015 and 19 June 2015 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). During the exhibition period eleven submissions were received.
- 3) A Request for further information forwarded to the applicant on 6 June 2015, pertaining to concerns raised from Council's internal departments.
- 4) On 24 June 2015, a redacted version of the submissions received during the exhibition period was forwarded to the applicant to provide comment.
- 5) On 26 June 2015 the applicant provided additional documentation in response to the concerns raised in the additional information request sent on 6 June 2015.

- 6) On 2 July 2015 the application was briefed to the JRPP.
- 7) On 14 July 2015, the concerns raised at the JRPP briefing were forwarded to the applicant.
- 8) A meeting was held with the applicants on 1 September 2015, to discuss proposed amendments required at the intersection of the subject site and Governor Macquarie Drive. The VPA applying to the site stipulated that the intersection of the subject site and Governor Macquarie Drive can be accommodated through a roundabout. However subsequent analysis by Council's Traffic department indicated that since the adoption of the VPA, the roundabout intersection would not be adequate to accommodate future traffic generation along GMD. It was concluded at the meeting that the applicants amend the architectural plans to indicate an updated signalised intersection.
- 9) On 14 October 2015 the applicant submitted additional information to Council in response to the traffic concerns raised by Council and the JRPP.
- 10) As a consequence of the amended information submitted on 14 October 2015, the applicant sought to amend the description of the proposal to incorporate the use of the warehouses as part of the application.
- 11) On 9 December 2015 a set of draft conditions were emailed to the applicant
- 12) On 15 December 2015, the RMS provided Council with a letter stipulating in principle support of the proposed signalised intersections along Governor Macquarie Drive.
- 13) On 20 January 2016 an updated set of draft conditions were emailed to the applicant, that included updated traffic conditions regarding the upgrade of the intersection of the subject site and Governor Macquarie Drive.
- 14) On 15 February 2016, the applicant emailed comments in relation to the draft conditions imposed by Council.
- 15) On 17 February 2016, the applicant emailed an updated version of the architectural plans indicating the new signalised intersection.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy No.64 – Advertising and Signage;
- State Environmental Planning Policy (Infrastructure) 2007;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- Liverpool Local Environmental Plan 2008;
- Liverpool Development Control Plan 2008.

Development Control Plans

- *Liverpool Development Control Plan 2008*
 - Part 1 – Controls applying to all development
 - Part 7 – Development in Industrial Areas

5.2 Zoning

The site is zoned IN1 General Industrial pursuant to LLEP 2008 as depicted in figure 11 below.

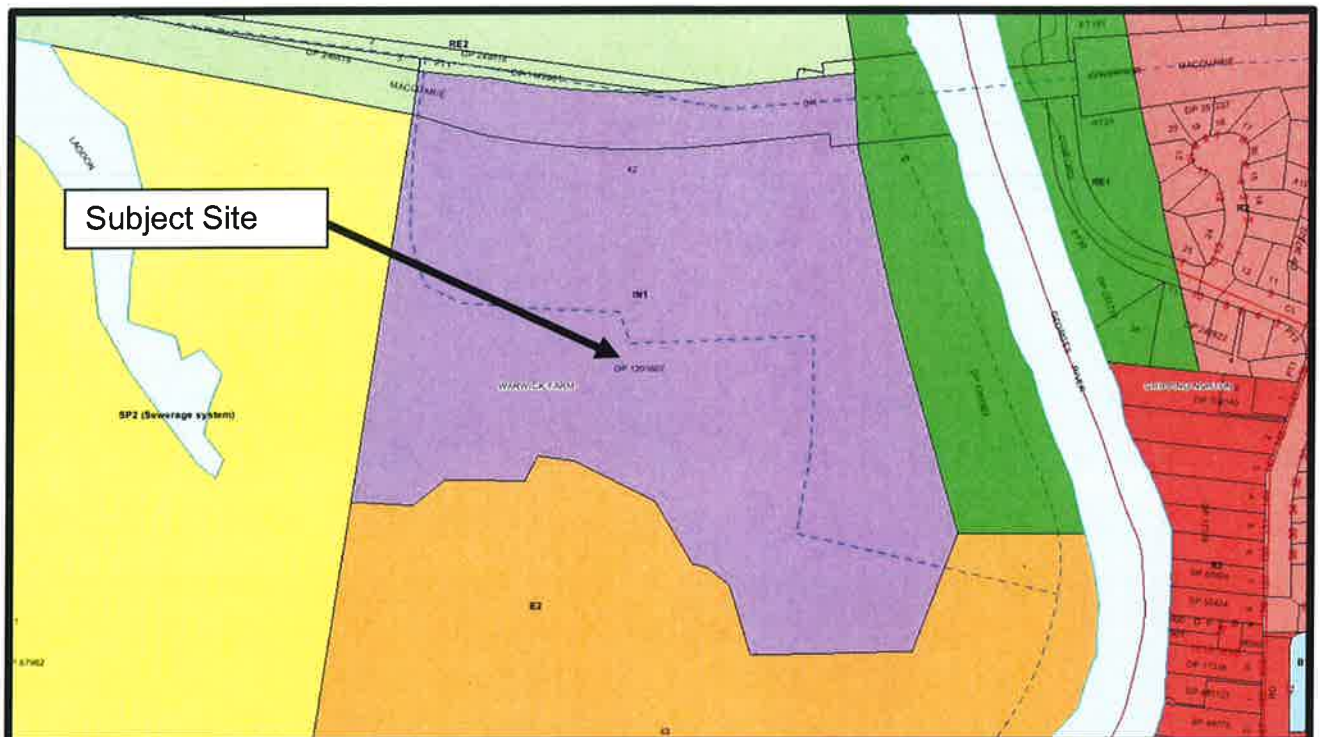


Figure 11: Extract of LLEP 2008 zoning map

5.3 Permissibility

The proposed development is defined as a 'Warehouse or Distribution Centre', which is permissible within the IN1 General Industrial zone. A warehouse or distribution centre is defined under the LLEP2008 as;

"a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made".

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

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

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

The objectives of SEPP 55 are:

- *to provide for a state wide planning approach to the remediation of contaminated land.*
- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

The existing land use on site will be intended for Industrial Uses. However evidence compiled by Council indicated that there was potential contamination on site created by previous agricultural/horticultural activities.

As part of the assessment of DA-233/2015, which issued consent for the demolition of training facilities, proposed bulk earthworks, associated vegetation clearing and site servicing on the subject site, the applicant submitted a contamination investigation report, prepared by Douglas Partners, dated 8 October 2014 and a supplementary letter also prepared by Douglas Partners, dated 12 August 2015 (Attachments 19 and 20).

The documentation prepared by Douglas Partners was reviewed by Council's Environmental Health Officer, prior to the determination of DA-233/2015. Council's Environmental Health Officer stipulated the following;

"This letter prepared by Douglas Partners, dated 12 August 2015 provides adequate justification of the sampling program undertaken in the Report on Contamination Investigation produced by Douglas Partners, dated October 2014, referenced as 84377.00. The justification for the sampling program used is on the basis of historical site usage, the proposed industrial use (low sensitivity) and the recommendation of additional sampling during works as areas become accessible to sample (more detailed recommendations provided)".

Consequently conditions were imposed on the consent of DA-233/2015 stipulating the following;

"All recommendations of the Report on Contamination Investigation produced by Douglas Partners Pty. Ltd., dated October 2014 and the subsequent letter from Douglas Partners Pty. Ltd. dated 12 August 2015, referenced as project 84377 shall be implemented. A report shall be submitted to the PCA presenting the results of all further sampling, certifying that all recommendations have been implemented and providing a statement regarding the suitability of the site for the proposed development in light of all information collected. Should this report find the site to be unsuitable for the proposed development, all works shall cease and the report shall be submitted to Council for review".

The documentation prepared by Douglas Partners concluded that the site will be suitable for the proposed industrial uses, subject to the implementation of the recommendations stipulated in the documents provided.

Having regard to the above it has been ascertained under a previously approved development application (i.e. DA-233/2015), that the subject allotment will be suitable for the intended Industrial Use.

Moreover it is considered an industrial use, is a use that is of low sensitivity and a use that will not create an increase risk to human life, as such it is considered the proposed documentation submitted and approved under DA-233/2015, adequately address SEPP 55, and it is considered the subject site will be made suitable for the intended future industrial use to which approval is sought under this development application.

The contamination assessment identifies that the site is suitable for industrial development.

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	A contamination assessment was submitted as part of a previous application on the subject site. The documentation were reviewed by Council's Environmental Health Staff, and considered satisfactory.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The documentation prepared by Douglas Partners as part of DA-233/2015, concludes the site is suitable for industrial development, subject to the implementation of the recommendations stipulated.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Based on the recommendations of the documentation prepared by Douglas Partners, the site is suitable for industrial development.

State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64)

As part of the development application, there are 2 pylon signs proposed. The pylon signs are proposed to be located either side of the entry driveway to the subject site. The proposed signs are both 9.7m high and 2.96m wide. The design of the proposed signs are detailed in figure 12 below;



Figure 12: Proposed Signs

As such the proposal has been assessed having regard to the objectives and provisions of SEPP 64. An assessment pursuant to the objectives and Schedule 1 – Assessment Criteria is provided in the following compliance table:

REQUIREMENT	COMMENT
Objectives	
Consistency with the objectives of SEPP64 as set out in clause 3 (1)(a): (a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish.	The proposed signage is compatible with the amenity of the surrounding area and would effectively communicate both the branding and services provided at the site. It is considered that the proposed signage is of a high quality design and finish

Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is considered to be compatible with the desired future character of the area.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with other advertising in the area, particularly the existing signage along the Governor Macquarie Drive.
Special Areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not detract from the amenity of any of these features or sites
Views and Vistas	
Does the proposal obscure or compromise important views?	The proposed signage does not compromise any important views
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not dominate the skyline or reduce quality of vistas.
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not obscure signage on neighboring sites.
Streetscape, setting or landscape	
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage contributes to the visual interest of the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal does reduce clutter by rationalising and simplifying existing advertising.
Does the proposal screen unsightliness?	The proposed buildings are not considered to be unsightly.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal does not protrude above buildings, structures or tree canopies in the area in the area or locality
Does the proposal require ongoing vegetation management?	The proposal does not require ongoing vegetation management
Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale, proportion and other characteristics of the site.
Does the proposal respect important features of the site or building, or both?	The site does not contain any important features.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal does not show innovation or imagination in its relationship to the site or building. The proposed signage is standard for the type of development.
Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No
Illumination	
Would illumination result in unacceptable glare?	The signs are not proposed to be illuminated.

Would illumination affect safety for pedestrians, vehicles or aircraft?	The signs are not proposed to be illuminated.
Would illumination detract from the amenity of any residence or other form of accommodation?	The signs are not proposed to be illuminated.
Can the intensity of the illumination be adjusted, if necessary?	The signs are not proposed to be illuminated.
Is the illumination subject to a curfew?	The signs are not proposed to be illuminated.
Safety	
Would the proposal reduce the safety for any public road?	The proposal would not reduce the safety for any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal would not reduce the safety for pedestrians or bicyclists
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not obscure sightlines from public areas

It is considered the proposed signage is consistent with the objectives and the assessment criteria contained within SEPP 64.

State Environmental Planning Policy (Infrastructure) 2007

Due to the GFA of warehousing proposed, exceeding 20,000m², the proposal is considered to be traffic generating development, pursuant to schedule 3, column 2 of the State Environmental Planning Policy (Infrastructure) (SEPP Infrastructure) 2007. Therefore an assessment under clause 104 of the SEPP Infrastructure "traffic generating development" must be undertaken. Clause 104 states;

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) new premises of the relevant size or capacity, or*
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

Comment: The proposed development is considered to be a form of industrial development as stipulated in column 1 of schedule 3 of SEPP Infrastructure.

(2) In this clause, relevant size or capacity means:

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

Comment: The proposed GFA of the industrial development equates to a total of 51,703m², which exceeds the size of 20,000m² stipulated in column 2 of schedule 3, for development types with access to any roads. Therefore the proposal is considered traffic generating development.

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

(a) *give written notice of the application to the RTA within 7 days after the application is made, and*

(b) *take into consideration:*

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

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

(A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*

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

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

Comment: The RMS was notified of the application within 21 days of the DA lodgment. The RMS provided correspondence dated, 3 June 2015 indicating they raise no concern with the proposal.

Moreover as part of the VPA that applies to the site, the intersection of the subject site and Governor Macquarie Drive, will be upgraded and re-designed to a signalised intersection. The up-grade is to ensure that Governor Macquarie Drive operates to the optimum level and be able to accommodate the increase traffic demands generated by the subject development and existing and approved developments surrounding the subject site. Appropriate conditions have been imposed on the consent stipulating the appropriate measures and works are undertaken.

Having regard to the above it is considered that the subject development will not create any road congestion or parking implications subject to the imposition of conditions of consent, including the intersection treatments required.

(4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made*

Comment: The RMS will be notified of the determination.

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

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

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

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	<p>The proposal provides soil and erosion control measures, a Stormwater Concept Plan.</p> <p>The proposed development is not considered to create a detrimental impact on an adjacent downstream local government area.</p>
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal provides a stormwater management system that will connect to the existing system. A Stormwater concept plan also outlines proposed sediment and erosion control measures.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	General Terms of Approval have been issued by the NSW Office of Water.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated for industrial development and is therefore considered to propose the most appropriate and feasible form of development on the subject site.

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The land is identified as containing acid sulfate soils on LLEP 2008 Acid Sulfate Soil mapping – Class 5; however, no controls or conditions are required, as the development will not be affected by this classification of Acid Sulfate Soils.

(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site contains flood affected land. The proposed development has been reviewed by Council's flooding engineers and considered acceptable. A detailed assessment pursuant to clause 7.8 of LLEP 2008 "flood planning" is detailed further in this report.
(4) Industrial discharges	The proposed development is for industrial development, specifically warehouse uses. The proposed warehouse uses are not considered to generate any detrimental impact with regards to industrial discharge to the Georges River.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	The proposal does not prevent access to the foreshore area by the public.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes connection to a proposed easement created under DA-233/2015.
(10) Urban development areas	<p>The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy.</p> <p>The site is not identified as being an Urban Release Area under LLEP 2008.</p>
(11) Vegetated buffer areas	<p>The site is located within a Vegetated Buffer Area as defined within GREP No. 2 (<i>Development on land within the Catchment that adjoins, and is within 100 metres of, a drainage line, creek, wetland or river foreshore area within the Catchment</i>).</p> <p>The site is adjacent to the Georges River and apart from those works proposed and endorsed by the Office of Water General Terms of Approval, no works are proposed within the riparian zone.</p>
(12) Water quality and river flows	A drainage plan proposes stormwater connection to existing services.
(13) Wetlands	Not applicable.

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to appropriate sedimentation and erosion controls during construction, the development will have minimal impact on the Georges River Catchment.

Liverpool Local Environmental Plan 2008

As stated previously, the subject site is zoned IN1 General Industrial pursuant to LLEP 2008. The proposed development is most appropriately defined as a 'Warehouse or Distribution

Centre”, which is permissible within the IN1 General Industrial zone. A warehouse or distribution centre is defined under the LLEP2008 as;

“a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made”.

Zone Objectives

The objectives of the IN1 – General Industrial Zone are identified as follows:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To particularly encourage research and development industries by prohibiting land uses that are typically unsightly or unpleasant.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

It is considered that the proposed development is consistent with the objectives of the IN1 zone, in that it enables the provision of a range of warehouses, it encourages employment opportunities, and is located in an area that minimises the effect on other land uses.

Principal Development Standards

The following principal development standards are applicable to the proposal:

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
Clause 4.1 Minimum subdivision lot size	The minimum subdivision lot size shown for the land on the subdivision lot size Map is “V” 2000sq.metres.	Not proposed	N/A
Clause 4.3 Height of Building	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map Applicable Height limit to the site is nominated as “P” 18 metres.	The maximum height of the buildings proposed is 13.7m	Yes
Clause 5.9 – Preservation of Trees or Vegetation	Councils consent is required prior to the removal of any existing trees or vegetation.	All necessary tree clearing was approved under DA-233/2015. Therefore no further tree removal will be required under this	Yes

		application	
Clause 5.10 – Heritage Conservation	Council may, before granting consent to any development on land within the vicinity of land upon which a heritage item is situated, or a conservation area may require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned	<p>The subject site is located in the immediate vicinity of a heritage item, being Warwick Farm Racecourse (LLEP Item No.66), located north of the subject site across Governor Macquarie Drive.</p> <p>The application was reviewed by Council's Heritage Officer and it was considered that proposal would not generate a negative impact on the significance of the adjacent listed Warwick Farm Racecourse.</p>	Yes
Clause 7.6 Environmentally significant land	Consider impacts of development on environmentally significant land, bed and banks of waterbody, water quality and public access to foreshore.	<p>As identified previously in this report a Vegetation Management Plan was submitted and approved as part of DA-233/2015.</p> <p>Appropriate conditions of consent were imposed to ensure compliance with the approved VMP.</p>	Yes
Clause 7.8 Flood Planning	The propose development site is located on the flood plain of Georges River. The site is affected by flooding under the 1% Annual Exceedance Probability (AEP) event. The 1% AEP flood levels within the site vary from 8.4m to 7m Australian Height Datum (AHD).	Given the site is flood affected an assessment under clause 7.8 is required. A detailed assessment of the application against clause 7.8 is detailed below	Yes

Clause 7.8 – Flood Planning

Councils flooding engineers have undertaken an assessment against clause 7.8(3) of the LLEP 2008, utilising the criteria (a-f) below.

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

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

Comment: The proposed development does not involve net loss of flood storage volume below the 1% Annual Exceedance Probability (AEP) flood and hence the development will not adversely affect the flood behaviour in the vicinity and will not adversely impact other adjacent developments or properties.

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

Comment: The proposed building structures are located outside the main flood flow areas and only a small part of it is located in a flood storage area. As such, proposed development will not have adverse impact on flood flow distributions and velocities.

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

Comment: The floor levels of the proposed buildings will be constructed above the 1% AEP flood and hence the building floors are not subject to flooding up to the 1% AEP flood event. The applicant is required to develop and maintain a flood evacuation plan at the site as per Council's conditions of consents. The flood evacuation will include suitable warning systems, signage and exits, to ensure the safe evacuation of people during floods up to and including the Probable Maximum Flood. As such it is considered that the development will enable the safe occupation and evacuation.

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

Comment: The majority of the proposed development site is located outside the 1% AEP flood extent and only a small part of it is located in a flood storage area and therefore, the development will not cause change to flow depth, flow distribution and velocities. Hence the development will not induce erosion, siltation or instability of watercourse and will not cause destruction of riparian vegetation.

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

Comment: As per Council's conditions of consents, the proposed development will be designed to minimise potential flood related damages in terms of building strength and stability, building floor levels and material selection. Flood safety and evacuation have also been considered as important design principles. Thus the proposed development offers a sustainable approach to the social and economic costs of the local and general community.

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

Comment: The development is not located within a floodway. Nonetheless the building structures will be constructed from flood compatible building components and the structures will be able to withstand the forces of floodwater.

Under the above circumstances, the proposal is approved subject to fulfilling flooding

conditions.

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

No draft EPI's apply to the site.

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

Part 1 - General Controls for all Development and Part 4 - Development in The Liverpool City Centre of the Development Control Plan apply to the proposed development and prescribe standards and criteria relevant to the proposal.

The following compliance table outlines compliance with these controls.

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
CONTROLS	PROVIDED	COMPLIES
2. TREE PRESERVATION	All trees approved for removal were issued under DA-233/2015. No further tree removal is proposed as part of the application.	Yes
3. LANDSCAPING	The proposal provides a detailed landscape plan, which provides for an adequate amount of landscaping.	Yes
4. BUSHLAND AND FAUNA HABITAT PRESERVATION	As detailed previously in this report as part of the development consent issued for DA-233/2015 on the subject site a vegetation management plan was provided, which detailed how the flora and fauna on site will be managed, protected, relocated and monitored during and after the works are completed. The VMP was reviewed as part of the assessment of DA-233/2015 and considered acceptable and imposed as conditions of consent.	Yes
5. BUSHFIRE RISK	The subject site is located within a bushfire prone area, as part of the proposal the applicant submitted a bushfire impact assessment. The bushfire impact assessment was reviewed by the NSW RFS and they issued their General Terms of Approval. The GTA's issued by the RFS form part of the conditions of consent.	Yes
6. WATER CYCLE MANAGEMENT	The proposed development provides a concept storm water design. The proposed design was reviewed by Councils Development Engineers and considered acceptable.	Yes
7. DEVELOPMENT NEAR CREEKS AND RIVERS	The subject site is located approximately 60m from the Georges River to the east. The Office of Water has issued its General Terms of Approval. The proposed development is considered to be acceptable in terms of its impacts on the river.	Yes

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT			
8.	EROSION AND SEDIMENT CONTROL	The applicant has provided sediment control plans.	Yes
9.	FLOODING RISK	The subject site is flood affected. Councils flooding engineers undertook an assessment of the application having regard to the flooding affectation. The flooding engineers considered the application to be worthy of support.	Yes
10.	CONTAMINATION LAND RISK	The proposal is for a use that is for industrial purposes.. An assessment under SEPP 55 was detailed previously in this report. It is considered the propose development satisfactorily addresses clause 7 of SEPP 55.	Yes
11.	SALINITY RISK	The Salinity Map for Western Sydney (2002) identifies the site in an area of 'moderate' salinity.	Yes
12.	ACID SULFATE SOILS RISK	The subject site is identified as Class 5 on the Acid Sulphate Soils Map. The proposed development is not considered to create an adverse impact on Acid Sulfate Soils	Yes
13.	WEEDS	No weeds identified on the subject site. All vegetation clearing was approved under DA-233/2015.	Yes
14.	DEMOLITION OF EXISTING DEVELOPMENT	No demolition proposed as part of the development application.	N/A
15.	ON-SITE SEWERAGE DISPOSAL	The subject site does not require on-site sewerage disposal as the area has access to sewer.	N/A
16.	ABORIGINAL ARCHAEOLOGY	No items of Aboriginal Archeological significance identified on the subject site.	Yes
17.	HERITAGE AND ARCHAEOLOGICAL SITES	<p>The subject site is located in the immediate vicinity of a heritage item, being Warwick Farm Racecourse (LLEP Item No.66), located north of the subject site across Governor Macquarie Drive.</p> <p>The application was reviewed by Council's Heritage Officer and it was considered that proposal would not generate a negative impact on the significance of the adjacent listed Warwick Farm Racecourse.</p>	Yes
18.	NOTIFICATION OF APPLICATIONS	<p>The development application was advertised for a period of 30 days between 20 May 2015 and 19 June 2015 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008).</p> <p>During the exhibition period eleven submissions were received. The issues raised within the submissions are discussed further within the report.</p>	Yes
20.	CAR PARKING &	Based on the requirements stipulated the	No (See

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
<p>ACCESS</p> <p>Requirement;</p> <p>1 space per 35sqm of office LFA</p> <p>1 space per 75sqm of factory/warehouse or 1 space per 2 employees, whichever is greater</p>	<p>propose development requires a total of 737 car spaces. The applicant has provided for 345 car spaces, which does not comply with this requirement, creating a shortfall of 392 spaces. The proposed shortfall was reviewed by Council's traffic engineer and considered worthy of support. Justification of the non-compliance is provided below.</p>	<p>justification below)</p>
<p>21. WATER CONSERVATION</p>	<p>A stormwater management plan was submitted with the application that was reviewed by Council's development engineers and considered worthy of support.</p>	<p>Yes</p>
<p>22. ENERGY CONSERVATION</p>	<p>Conditions will be imposed requiring the proposed development to comply with the BCA, which includes standards for energy conservation for non-residential development.</p>	<p>Yes</p>
<p>25. WASTE DISPOSAL AND RE-USE FACILITIES</p>	<p>A waste management plan was submitted as part of the proposal. The WMP was reviewed and considered acceptable. Conditions of consent have also been imposed stipulating the provision of appropriate waste disposal facilities during construction and appropriate sediment erosion control measures be implemented during construction.</p>	<p>Yes</p>
<p>26. OUTDOOR ADVERTISING</p> <p>26.4 Signage Controls in Zones;</p> <p>Industrial Zones</p> <p>1. Pole or pylon sign for building or site (including directory board for multiple occupancies) is limited to a single structure at the entry to the site from a public road, along the road frontage.</p> <p>2. Pole or pylon sign not exceeding 5sqm in area and 5m in height from ground level are to be located within an area of 5 x 3m on either side of the</p>	<p>The proposal involves the construction of two pylon signs on either side of the driveway entry from Governor Macquarie Drive. Even though the proposed development does not comply with the requirement of one pylon sign, the proposed signage is considered to be of an appropriate design and scale given the large scale industrial development proposed. Moreover given the extensive frontage to GMD, the proposed pylon signs do not create a detrimental impact in terms of unsightliness or clutter.</p> <p>Each pylon sign measures at 9.7m high x 2.96m wide, resulting in an area of 28.712m². Notwithstanding the proposed signs exceed the minimum requirements stipulated, the proposed signs are considered to be of an appropriate scale given the large scale industrial development proposed and the extensive frontage along Governor Macquarie</p>	<p>No (Considered acceptable on merit)</p> <p>No (Considered acceptable on merit)</p>

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT

ingress or combined ingress/egress, subject to compliance with sight distance requirements.	Drive. The proposed sign are considered to be of an appropriate design and considered to be an appropriate form of signage in relation to the type of development proposed.	
3. For multiple occupancy development, one company identification sign not exceeding 2 x 0.6m is permitted at the entrance to each occupied unit. Such signs are to be of a uniform shape, size and general presentation.	The proposed development will consist of multiple occupancies, however who will be occupying these tenancies is not known as part of this DA. The DA consent is simply for warehouse uses. A condition of consent will be imposed requiring any additional signage on the proposed pylon signs to be subject to separate approval.	N/A
4. For single user development, additional company identification sign is permissible at the rate of not exceeding 1sqm of advertising area per 3m of street frontage or a maximum of 50sqm whichever is the less. (Corner lots will be assessed on the length of the main presentation frontage of the building only).	The proposal is not for a single user development.	N/A
5. Roof signs are not permitted.	No roof signs are proposed.	N/A
6. Third party advertising is not permitted.	No third party advertising is proposed	N/A
7. Sign exceeding 50sqm in area will be dealt with on individual merits.	Both signs combined have a site area of 57.42m ² . The size of the signs are considered acceptable and do not generate any	No (Acceptable on merit).

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT

<p>8. Advertising facing back/side boundaries and abutting a Classified Road will be assessed on individual merits.</p>	<p>detrimental impact on the development. The proposed signs are considered to be of an appropriate size given the nature of the proposed development and the extensive frontage of the subject site fronting Governor Macquarie Drive.</p> <p>Not applicable</p>	<p>N/A</p>
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DCP Variations

Car Parking

Based on the requirements stipulated the proposed development requires a total of 737 car spaces. The applicant has provided for 345 car spaces, which does not comply with this requirement, creating a shortfall of 392 spaces. The proposed shortfall was reviewed by Council's traffic engineer and considered worthy of support. Justification of the non-compliance is provided below.

Within the traffic assessment provided with the application, prepared by Colston Budd Hunt & Kafes Pty Ltd, dated April 2015 (Attachment 4) the following justification is provided for the shortfall in parking;

- *By comparison, the RMS "Guide to Traffic Generating Developments" indicates that warehouses should provide one space per 300m². The guidelines do not include a separate rate for the office component of a warehouse. The RMS guidelines note that there can be significant variability in the parking requirements for warehouse developments.*
- *At this stage, individual tenants and the number of employees is not known. However, experience with other recent warehouse developments in Liverpool, including at the Nexus business park and Aldi warehouse at Prestons, indicates that the likely parking demands will be lower than Council's DCP parking requirements. In these developments, the following parking was provided:-*
 - *some 172 spaces for 52,930m² (one space per 308m², including office component) for the Aldi warehouse;*
 - *some 125 spaces for 13,120m² (one space per 105m², including office) for the Atlas Metals warehouse in the Nexus estate; and*
 - *some 59 spaces for 9,709m² (one space per 165m², including office) for the Natsteel warehouse in the Nexus estate.*
- *Based on the above, the average parking provision for these developments is one space per 210m. This rate is considered more appropriate than the DCP rate of one space per 75m².*

- *For the proposed development the parking provision is some 345 spaces, representing a rate of one space per 150m². This parking provision is considered appropriate.*

Note: Point 2 stipulates that individual tenants are not known. However due to the concerns raised by Liverpool Council and the JRPP pertaining to the cumulative traffic impact of the proposal, the applicant provided a supplementary report prepared by Colston Budd Hunt & Kafes Pty Ltd, dated October 2015 (Attachment 5) stating that;

"To remove any ambiguity and as set out in the covering letter prepared by McKenzie Group, the development application and statement of environmental effects have been updated to specify that the application is for warehouse and ancillary office uses only on the site".

Given the above information the application was amended to include the use of the industrial units for the purpose of warehousing.

Councils Traffic Engineer has reviewed the supporting documentation and concluded that the application has justified this sufficient car parking short fall with reference to the car park demand and provision at similar warehouse developments at Nexus Business Park and Aldi Warehouse, Prestons.

The proposed car parking provision is higher than the RMS specified car parking demand rates of 1 space per 35 m² for offices, and 1 space per 300 m² for Warehouses of 1 space per 300 m².

The comparison to similar developments is an acceptable car parking demand approach, to ensure car parking demand higher than the proposed formal spaces can be accommodated on-site. It is noted that the proposed landscape plan includes approximately 100 over flow parking spaces. These spaces should be constructed with hard wearing surface and maintained for overflow parking. The proposed development works out at a rate of 1 space per 150m², which is considered acceptable.

It is worth noting that council is currently undertaking a comprehensive review of the Liverpool Development Control Plan 2008, inclusive of the parking rates required for industrial development. The most likely outcome of the review is that the parking rates for industrial development will be amended to reflect the current RMS guidelines for the same use. It is considered the current parking rate stipulated in the DCP for warehouses is onerous at 1 space/75m² of LFA, when compared to the RMS guidelines. As the current Council guideline is considered onerous for warehouse development, it is considered pertinent in this instance to allow a variation to the Council parking rates if suitable justification can be provided, stipulating reasons as to why achieving the current parking rate is unreasonable.

As discussed above the applicants have provided sufficient justification that reference similar development within the LGA that have been approved with reduced parking rates. It was found that the cases utilised by the applicant provide a suitable reference to justify a variation to the parking rates for this development. As also detailed above, the parking provided for this development exceed the RMS rates. As such, it is considered the variation to the parking demand is considered well founded in this instance and is worthy of support.



Figure 13: Landscape Plan Showing overflow parking:

PART 7 – DEVELOPMENT IN INDUSTRIAL AREAS		
CONTROLS	PROVIDED	COMPLIES
2 Site Area <ul style="list-style-type: none"> Minimum subdivision lot size is 2,000sqm 	No subdivision proposed	N/A
3. Site Planning The controls for the clause are as follows: <ol style="list-style-type: none"> Where possible, site planning allows for the retention of significant trees and vegetation, particularly near the street frontage. The development must be designed around the site attributes such as slope, existing vegetation and land capability 	<p>The subject site has been predominately cleared through the issue of DA-233/2015. As discussed previously in this report any significant vegetation has been addressed through the submitted and approved VMP's under DA-233/2015.</p> <p>The proposed development has been designed to accommodate the existing site attributes.</p>	<p>Yes</p> <p>Yes</p>
4. Setbacks Primary setback from Governor Macquarie Drive is 15m to ground floor and 12.5m to first	The plans provided indicate a consistent minimum 15m primary setback from Governor Macquarie Drive.	Yes

PART 7 – DEVELOPMENT IN INDUSTRIAL AREAS

floor		
<p>5. Landscaped Area</p> <p>1) A minimum of 10% of the site is to be landscaped at ground level.</p> <p>2) A development must provide a landscaped area along the primary of a minimum width of 10m for sites greater than 4,000sqm</p>	<p>The subject proposal, provides for 23,490sqm of landscaped area which equates to 20.5% of the site area.</p> <p>The development has provided for a landscaped area along the primary frontage that is a minimum 15m in width.</p>	<p>Yes</p> <p>Yes</p>
<p>6. Building Design Streetscape & Layout</p> <p>The controls of the clause are as follows:</p> <p>1) The facades to a development must adopt a contemporary architectural appearance.</p> <p>2) A development must use architectural elements to articulate facades, and minimise large expanses of blank walls.</p> <p>3) Where a development proposes a portal frame or similar construction, Council does not permit the “stepping” of the parapet to follow the line of the portal frame.</p> <p>4) The street facade of a development on a corner allotment must incorporate architectural corner features to add visual interest to the streetscape.</p>	<p>The proposed warehouses provide for a contemporary architectural appearance.</p> <p>The proposal has utilised a range of architectural elements, particularly along the primary frontage of Governor Macquarie Drive to avoid large expanses of blank walls.</p> <p>No portal frame construction proposed.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>

PART 7 – DEVELOPMENT IN INDUSTRIAL AREAS

Materials & Colours

1) Glazing shall not exceed reflectivity of 20%.

Minimal glazing utilized in the development

Yes

2) A development must use:

- Quality materials such as brick, glass, and steel to construct the facades to a development.

Suitable pre-cast concrete panels have been utilized predominately in the construction of the warehouses.

Yes

- Masonry materials to construct a factory unit within a building, and all internal dividing walls separating the factory units.

No dividing walls proposed within the industrial warehouses.

Yes

Building design

1) The front door to a building should face the street.

The northern elevations of units 1, 2 and 4 fronting Governor Macquarie Drive have front entrances orientated toward the street.

Yes

2) The administration office or showroom must be located at the front of the building.

Office components of the warehouses fronting GMD front the street.

Yes

3) Windows on the upper floors of a building must, where possible, overlook the street.

Windows on upper levels that front the street for warehouses 1, 2 and 4.

Yes

4) The street number of a building must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.

This will form part of the conditions of consent.

Yes

5) Open style or

These elements have been incorporated where possible.

Yes

PART 7 – DEVELOPMENT IN INDUSTRIAL AREAS

transparent materials are encouraged on doors and/or walls of lifts and stairwells, where fire safety requirements allow.		
6) Waiting areas and entries to lifts and stairwells should be close to areas of active use and be visible from building entrances.	Proposed where possible.	Yes
7) Driveways must provide adequate sight distance for the safety of pedestrians using the footpath area.	Driveways have been designed to incorporate the proposed intersection upgrade to GMD.	Yes
8) Pathways should provide direct access and any edgework should be low in height or not reduce visibility of the pathway.	Pathways provided through the estate road demonstrate compliance with this requirement.	Yes
9) Entry to basement parking areas should be through security access via the main building. This access should be fitted with a one way door (allowing for fire safety provisions) and allow only authorised access from the foyer into the basement.	N/A	N/A
10) Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.	Proposed development has limited the amount of blank wall space fronting Governor Macquarie Drive.	Yes

PART 7 – DEVELOPMENT IN INDUSTRIAL AREAS

<p>Lighting</p> <p>1) Lighting must be provided to the external entry path, common lobby, driveway, and car park to a building using vandal resistant, high mounted light fixtures.</p> <p>2) The lighting in a car park must conform to AS 1158.1, 1680, and 2890.1.</p> <p>3) External lighting to an industrial development must give consideration to the impact of glare on the amenity of adjoining residents.</p>	<p>Addressed through conditions of consent.</p> <p>Addressed through conditions of consent.</p> <p>No residential development within the vicinity of the development site that would warrant any detrimental amenity impacts.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Facilities</p> <p>The siting of a telecommunication facility, aerial, satellite dish, plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must integrate with the architectural features of the building to which it is attached; or be sufficiently screened when viewed from the street and neighbouring residential zoned land.</p>	<p>No identifiable plant rooms or services that would generate a detrimental impact on the amenity of the locality has been proposed.</p>	<p>Yes</p>
<p>Service Areas</p> <p>Service areas including waste, recycling areas and external storage areas are to be located away from principal street frontages and screened from view.</p>	<p>Proposed</p>	<p>Yes</p>
<p>7. Landscaping and</p>	<p>A detailed landscape plan has been provided that generally complies with the requirements</p>	<p>Yes</p>

[illegible]

PART 7 – DEVELOPMENT IN INDUSTRIAL AREAS		
<p>Act 2008 it may be necessary to construct external works. Mounding, planting and/or noise barriers may be permitted to reduce the impact of noise levels, provided that this does not compromise any other provision in the DCP..</p> <p>Hazardous materials and hazardous operation</p> <p>Certain industrial processes are identified as Designated Development under the Environmental Planning and Assessment Act 1979. It will be necessary to contact the NSW Department of Planning for their requirements for the preparation of an environmental impact statement.</p> <p>Hours of operation</p> <p>Development which would have an adverse impact on adjoining or nearby residential areas will be limited to 7 am to 6 pm Monday to Friday and 7 am to 12 pm on Saturday and no work to be undertaken on Sundays.</p>	<p>consent has also been imposed requiring the proposed development demonstrate compliance with the POE Act.</p> <p>The proposal does not trigger designated development.</p> <p>A condition of consent will be imposed requiring the hours of operation be limited to 7 am to 6 pm Monday to Friday and 7 am to 12 pm on Saturday and no work to be undertaken on Sundays.</p>	<p>N/A</p> <p>Yes</p>

6.4 Section 79C(1)(a)(iia) - Any Planning Agreement or any Draft Planning Agreement

As discussed previously in this report, the subject site was rezoned. Council at its meeting on 19 December 2011 resolved to rezone land on the northern and southern sides of Governor Macquarie Drive (GMD) Warwick Farm. These sites include the proposed Inglis Development site (north of GMD) and Coopers Paddock on the southern side of GMD, which is subject to this development application.

At the same meeting Council resolved to enter into a Voluntary Planning Agreement (VPA). The VPA provides a list of items, in which the Australian Turf Club (ATC) being the primary land owner, developer and party to the VPA must provide as part of the redevelopment of the

subject land. These include but are not limited to the following;

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

The complete schedule of works required as part of the VPA is listed in schedule 3 Part 1 of the VPA. The items listed in the schedule provide a timeline as to when these works are to be completed by. Primarily it is stipulated that the works listed in schedule 3 part 1 are to be completed prior to the following occurring;

- 1) The issue of a subdivision certificate for a plan that when registered would create the first industrial lot or;
 - 2) An Occupation Certificate for any Development on the Industrial Land;
- whichever occurs first;

Given the fact the subject proposal is for warehouses on the part of the site zoned industrial, it was considered pertinent to impose conditions of consent requiring the schedule of works outlined in the VPA be completed within the timeline stipulated in the schedule. Consequently, imposing this condition would mean that an Occupation Certificate will only be issued if the works outlined in schedule 3 Part 1 of the VPA are completed.

As part of a due process, Council forwarded the applicant a set of draft conditions (Attachment 24) to provide comment on, which included the following conditions relating to compliance with the applicable VPA;

5. *All roadworks, traffic improvements, drainage works and dedications, required to effect the consented development shall be undertaken in accordance with the Voluntary Planning Agreement executed by Australian Turf Club Limited and Liverpool City Council. (Document No. 65 35 4369 JRT)*
6. *The development shall be undertaken in accordance with any applicable terms and conditions of the Voluntary Planning Agreement executed by Australian Turf Club Limited and Liverpool City Council. (Document No. 65 35 4369 JRT).*
7. *Any works undertaken pursuant to Schedule 3, Part 1 – Works, Item Nos. 2 and 3, as detailed within the Voluntary Planning Agreement executed by Australian Turf Club Limited and Liverpool City Council. (Document No. 65 35 4369 JRT) must be undertaken in accordance with the Vegetation Management Plan , prepared by Travers Bushfire Ecology, reference A14149, dated October 2015.*
133. *Prior to the issue of an Occupation Certificate, all works identified as part of the Voluntary Planning Agreement executed by Australian Turf Club Limited and Liverpool City Council. (Document No. 65 35 4369 JRT) or any subsequent amendments to the above-mentioned Voluntary Planning Agreement must be completed.*

In response to draft conditions, the applicants provided legal advice (Attachment 22) stipulating it was inappropriate and unnecessary for obligations already contained within the Planning Agreement to also be separately imposed as conditions of development consent. The legal advice provided with the draft conditions is attached to this report.

Despite the legal advice provided, Council has taken the position that notwithstanding the binding nature of the VPA under the EP&A Act 1979, it is considered pertinent to further re-

iterate the need to comply with the VPA through conditions of consent, as the timing of completion of the works stipulated in Schedule 3 Part 1 of the VPA is intertwined with any development consent issued on the industrial land.

Council has also considered the concerns raised in the legal advice pertaining to issues that might arise with the need to amend the VPA to conform with the required signalled intersection and the potential conflicts with the development. Council has therefore amended the above conditions to include the following wording;

“or any subsequent amendments to the abovementioned Voluntary Planning Agreement”.

Council has taken the position that the inclusion of the wording above will capture any subsequent amendments to the VPA. Conditions 5-7 have been amended to reflect the changes above and form part of the final conditions of consent (Attachment 1).

As part of the legal advice provided by the applicant, particular concern was raised with the imposition of condition 122, which then became condition 133 with subsequent amendments to the draft conditions of consent. It was stipulated in the legal advice provided by the applicant that condition 122 requires all works identified as part of the Planning Agreement to be completed prior to the issue of an occupation Certificate. However the condition does not accurately reflect the detailed timing provisions negotiated as part of the Planning Agreement – namely, the time for completion of the works in Schedule 3, Part 1, Items 1 and 2 of the Planning Agreement.

Council has reviewed the advice provided pertaining to condition 122 and found that the imposition of this condition could potentially contradict with the timing of works in the VPA. Therefore it was considered pertinent that Council specify the particular works that would need to be completed to alleviate any confusion or timing conflicts within the VPA. Of particular importance from Council's perspective are the required works to the Munday Street intersection. Council requires the works to Munday Street as stipulated in the VPA to be completed prior to the issue of the OC for the development. Therefore the condition has been amended to the following in the final consent;

141. Prior to the issue of an Occupation Certificate, the traffic improvement works required for Munday Street as part of the Voluntary Planning Agreement executed by Australian Turf Club Limited and Liverpool City Council. (Document No. 65 35 4369 JRT) or any subsequent amendments to the above-mentioned Voluntary Planning Agreement must be completed.

The range of items and works to be completed as listed in schedule 3 Part 1 of the VPA are as follows. A copy of the VPA is attached to this report.

Item No	Item of Work	Description	Time for Completion	Contribution Value	Amount Retained during Defects Liability Period
1	Remediation of the Designated Land (zoned RE1)	Removal of any waste and subsequent fill (related to the removal of the waste) on designated land. Removal and/or other appropriate management of site contamination as identified in, and in accordance with, the Site Contamination Report	Prior to the dedication of the Designated Land to Council	\$100,000	

2	Management of the Designated Land	Carry out the program of works and maintenance as specified in the vegetation Management Plan approved by Council	Three(3) years from the dedication of the Designated Land to Council	\$TBC	
3	Offset Works	Carry out offsetting works within the Designated Land in accordance with the ecological report 'Ecological Constraints Report Proposed Rezoning Lot 1 DP581034 Coopers Paddock Governor Macquarie Drive Warwick Farm prepared by Travers bushfire & ecology and dated August 2011 and accepted by the NSW Office of the Environment and Heritage and the Vegetation Management Plan to be approved by the Council	Prior to the first to occur of: (1) The issue of a Subdivision Certificate for a plan that when registered would create the first Industrial Lot; and (2) The issue of an Occupation Certificate for any Development on the Industrial Land	\$240,174	
4A	Traffic Improvements	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 . The new carriageway is to be constructed on the southern side of the existing carriageway of Governor Macquarie Drive	Prior to the issue of either: (1) A Subdivision Certificate for a plan that when registered would create an industrial lot; (2) An Occupation Certificate for any Development on the Industrial Land or; (3) An Occupation Certificate for any development on the Inglis Site, Whichever occurs first	\$2,498,791	5%
4B	Traffic Improvements	Provision of the following works to both carriageways of Governor Macquarie Drive: <ul style="list-style-type: none"> • Lighting • Kerb and Guttering 	Prior to the issue of either: (1) A Subdivision Certificate for a plan that when registered would create an industrial		

		<ul style="list-style-type: none"> Median strip 	lot; (2) An Occupation Certificate for any Development on the Industrial Land or; (3) An Occupation Certificate for any development on the Inglis Site, Whichever occurs first		
4C	Traffic Improvements	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	Prior to the issue of either: (1) A Subdivision Certificate for a plan that when registered would create an industrial lot; (2) An Occupation Certificate for any Development on the Industrial Land or; (3) An Occupation Certificate for any development on the Inglis Site, Whichever occurs first	Included in Item 4A	
5A	Bike/pedestrian paths	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 William Long Bridge to the Hume Highway (as shown on the plan attached as Annexure 2)	Prior to the issue of either: (a) An Occupation Certificate for any Development on the Industrial Land; or (b) An Occupation Certificate for any Development on the Inglis Site, Whichever occurs first	\$308,750	5%
5B	Bike/Pedestrian	1. The construction	Prior to the issue of	\$570,000	5%

paths	<p>of a shared bike/pedestrian path a minimum width of 2.5m within the Dedicated Land along the foreshore and within the Industrial Land (as shown on the plan attached as Annexure 2)</p> <p>2. The construction of a shared bike/pedestrian path a minimum of 2.5 metres from Munday Street to Warwick Farm Railway Station (as shown on the plan attached as Annexure 2).</p>	<p>either:</p> <p>(1) A Subdivision Certificate for a plan that on registration would create an Industrial Lot; or</p> <p>(2) An Occupation Certificate for any Development on the Industrial Land,</p> <p>Whichever occurs first</p>		
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Issues of Concern with the VPA

Intersection Treatment at Coopers Paddock

As stipulated by part 4C of the above schedule, traffic improvement are required along GMD that impact the subject site. Item 4C stipulates the following; "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**". As a consequence of the item 4C a development application was lodged with Council (DA-27/2012), which sought approval for traffic improvements in accordance with item 4C. The approved plans of DA-27/2012, involved the construction of 2 roundabouts one of which is at the intersection of the subject allotment. The proposal was assessed by Council and approved on 9 October 2012. An extract of the approved plan is shown below;

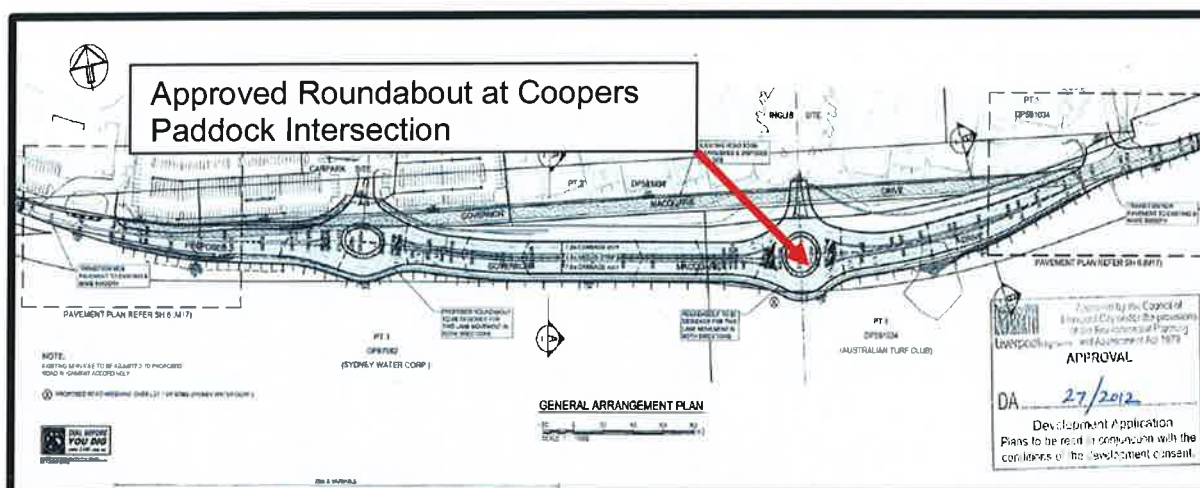


Figure 14: Landscape Plan Showing overflow parking:

The approved plans were designed to be consistent with the indicative design requirements provided within Annexure 2 of the VPA.

However since the approval of the application, Councils has undertaken a SIDRA analysis of the approved intersection treatments under DA-27/2012. The SIDRA analysis and Council's Traffic Engineers concluded that the roundabout approved at the Coopers Paddock intersection will not efficiently cater for the expected increase in traffic capacity along this section of Governor Macquarie Drive. It was recommended that the intersections will operate better through the use of a signalised intersection. It was therefore requested that the applicant amend their architectural plans for the subject DA to reflect a signalised intersection instead of the approved roundabout. The applicants have provided amended plans to that affect, which will form part of the approved documentation within the conditions of consent.

Notwithstanding the above the VPA will be amended to reflect the signalised intersection as well as approve a section 96 application to DA-27/2012.

In response to the proposed signalised intersection the RMS has provided Council with correspondence providing their in-principle support of the signalised intersection (Attached).

Bike/Pedestrian paths

Item 5C of the above-mentioned schedule stipulates the following;

1. *The construction of a shared bike/pedestrian path a minimum width of 2.5m within the Dedicated Land along the foreshore and within the Industrial Land (as shown on the plan attached as **Annexure 2**).*

An extract of Annexure 2 from the VPA, indicating the location of the bike/pedestrian path is shown below in figure 15 below;

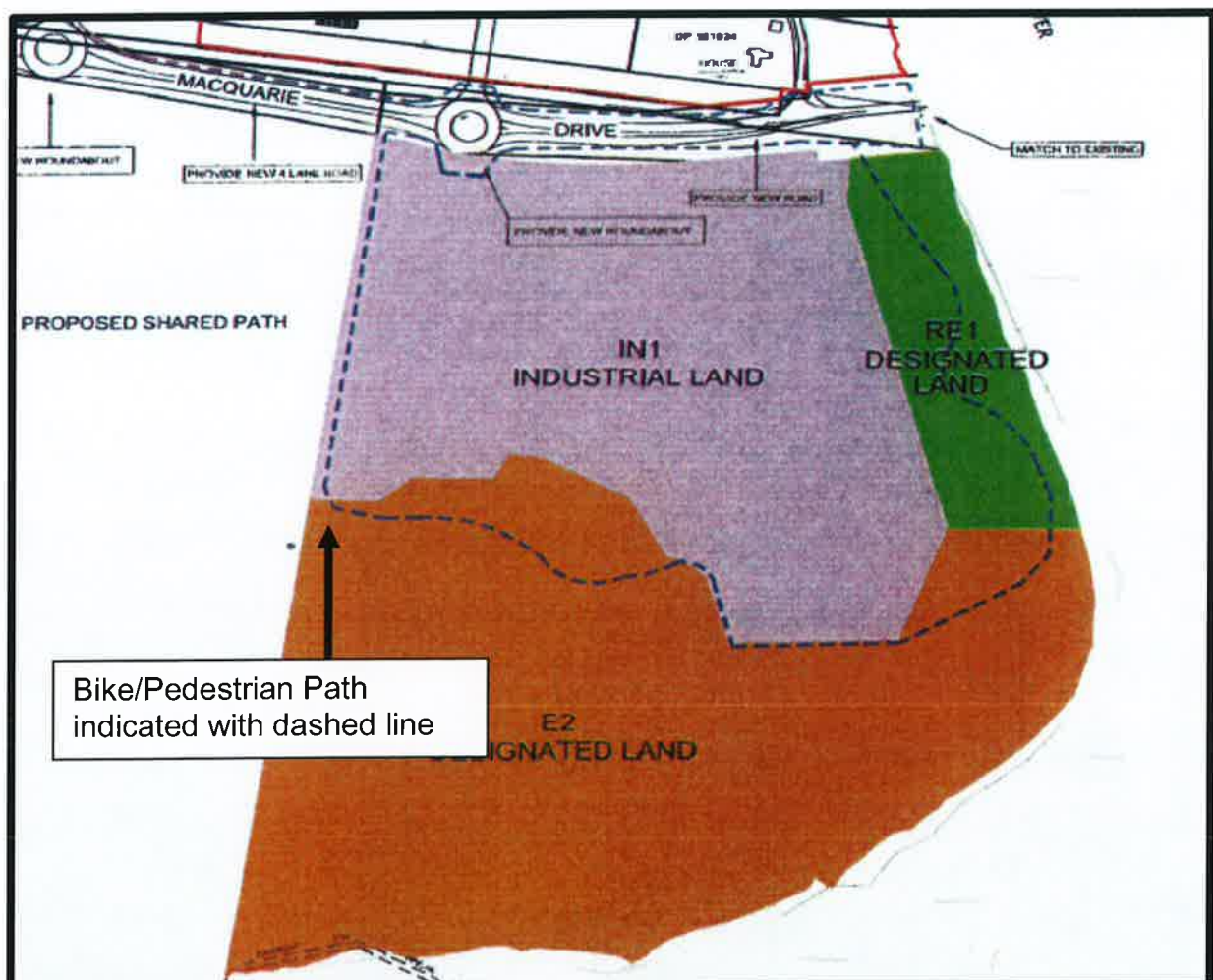


Figure 15: Annexure 2 of the VPA

As can be seen from the figure above a portion of the bike/pedestrian path runs along the IN1 zoned land along the western boundary. It is therefore required that prior to the issue of an Occupation Certificate for the development that the bike/pedestrian path be constructed. As part of the architectural plans provided with the application, provision has been made for a bike/pedestrian path that runs along the western boundary of the site as shown in Figure 16 Below;

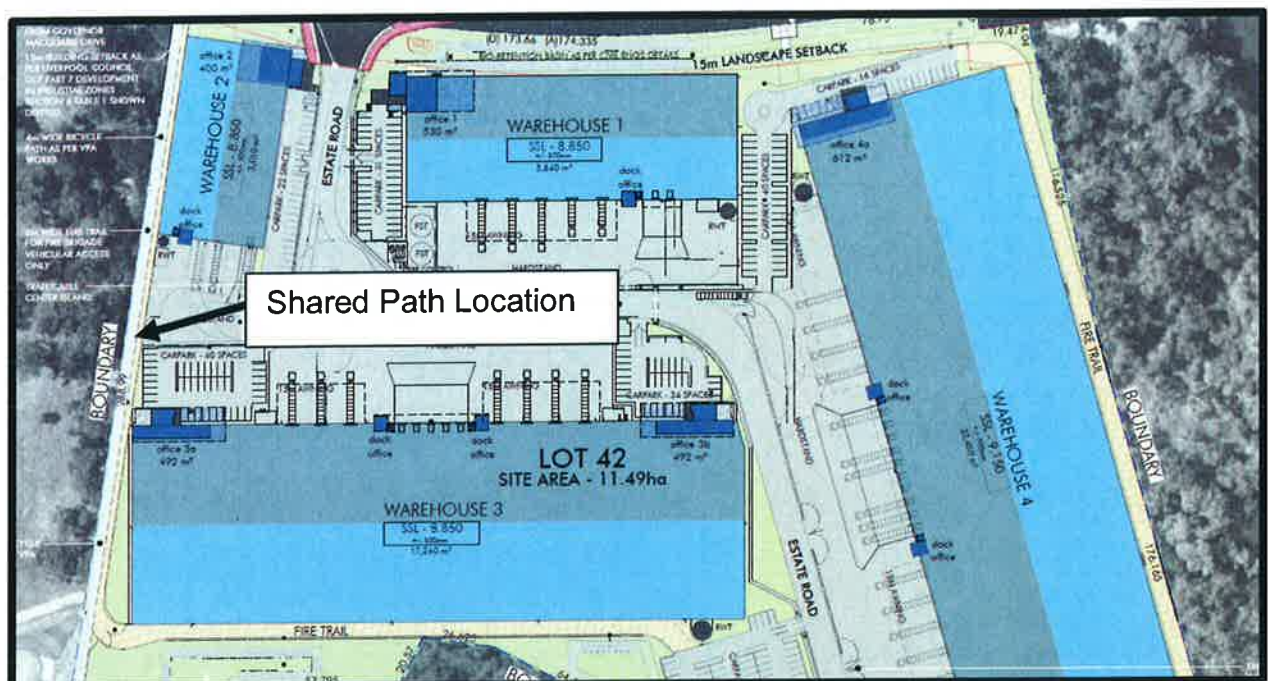


Figure 16: Location of the pedestrian paths

The plans above are consistent with the requirements of the VPA and the above plan will form part of the conditions of consent for the development application.

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

The Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. If approved appropriate conditions of consent will be imposed requiring compliance with the BCA.

6.6 Section 79C(1)(a) (v) – Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates

There are no or there are Coastal Zones applicable to the subject site.

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

(a) Natural and Built Environment

Built Environment

The proposed development is considered to be an appropriate form development given the desired future character of the site. It is considered to be an industrial development that is of an appropriate bulk and scale, given the size of the development site. The proposed development does not generate any detrimental impacts in terms of overshadowing or privacy on adjoining properties. It is considered the proposed industrial development to be well suited within the immediate surrounding locality and will not be out of place within the surrounding built environment.

Natural Environment

The proposed development has incorporated a variety of conservation strategies for any significant flora and fauna on the subject allotment. As part of the proposal a Vegetation Management Plan was submitted and proposed a range of methods to alleviate any detrimental impacts on the significant flora and fauna located on the subject site and the surrounding area.

(b) Social Impacts and Economic Impacts

The proposed development is considered to have a generally positive social and economic impact as it will be a development type that generates employment for the LGA.

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

The site is identified for industrial development. The site is considered to be of an appropriate bulk and scale and has been designed to respond to the existing site attributes. The proposed development has demonstrated compliance with the LLEP 2008 and predominate compliance with the provisions of the LDCP 2008, part 1 and 7. Any variation from the LDCP 2008 has been well founded and worthy of support, as stipulated throughout this report. Having regard to the above the proposal is considered suitable for the site.

6.9 Section 79C(1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

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

Internal Department	Status and Comments
Building	No objection, subject to conditions
Landscaping	No objection, subject to conditions
Environmental Health	No objection, subject to conditions
Land Development Engineering	No objection, subject to conditions
Traffic Engineering	No objection, subject to conditions, Council's traffic department raised concern regarding the need of an upgrade to the intersection of the subject site from a roundabout to traffic signals. As discussed previously in this report the applicant has agreed to amend their design from indicating the roundabout as approved within the VPA to traffic signals.
Flooding	No objection, subject to conditions
Flora/Fauna (Natural Environment)	No objection, subject to conditions and comments from Office of Water and NSW Fisheries
Heritage	No objection, subject to conditions

(b) External Referrals

The following comments have been received from External agencies:

External Department	Status and Comments
Roads and Maritime Services	RMS raised no concern with regards to the referral

	seeking concurrence pursuant to schedule 3 of the Infrastructure SEPP. The RMS has also provided in-principle support for the revised intersection treatment from a roundabout to a signalised intersection.
NSW Office of Water	General Terms Of Approval issued.
NSW Rural Fire Service	Satisfactory. Bushfire Safety Authority issued without conditions.

(c) Community Consultation

The development application was advertised for a period of 30 days between 20 May 2015 and 19 June 2015 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). During the exhibition period eleven submissions were received. The issues raised within the submissions are discussed further within the report. The issues raised in the submissions, and a response to each, are summarised below:

ISSUE 1: Permissibility

Comment: On 12 August 2014, Amendment No.14 to Liverpool Local Environmental Plan 2008 was gazetted which rezoned the Site to IN1 General Industrial. The IN1 Zone permits a range of industrial uses, including warehouse and distribution centres, which are defined as follows:

***warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.*

The proposal is therefore a permissible form of development within the IN1 zone.

ISSUE 2: Noise and Hours of Operation

Comment: A condition of consent has been imposed requiring the hours of operation to be 7am to 6 pm Monday to Friday and 7 am to 12 pm on Saturday and no work to be undertaken on Sundays. These hours of operation are considered to be within the acceptable timeframes to reduce any detrimental impacts on residential allotments within the surrounding area.

Moreover an acoustic assessment was prepared and submitted with the application, the acoustic assessment concluded that sufficient separation is provided between the site and the adjacent residential development located across the Georges River.

Noise modelling has considered the future use of the proposed facilities on a 24 hour, 7 day basis. Importantly, it is noted that no retail services are proposed on the site, as the future use of the facilities will be warehousing and distribution and will not be open to the general public.

Should the activities of any future tenant proposing a different use, warrant further consideration in respect to noise, the necessary studies will be undertaken to demonstrate that the specific operations are acceptable on the surrounding environment.

The acoustic assessment submitted with the application was reviewed by Council's Environmental Health officer and considered satisfactory. Therefore conditions of consent have been imposed requiring the proposed development demonstrate compliance with the approved acoustic assessment.

ISSUE 3: Traffic and Parking

Comment: It is acknowledged the subject proposal does not meet the required parking requirements stipulated within the Liverpool Development Control Plan 2008. However a review of the justification provided with the proposal for the parking shortfall has been assessed and it was determined that the applicant has justified the car parking short fall with reference to the car park demand and provision of similar warehouse developments at Nexus Business Park and Aldi Warehouse, Prestons.

The proposed car parking provision is higher than the RMS specified car parking demand rates of 1 space per 35 m² for offices, and 1 space per 300 m² for Warehouses of 1 space per 300 m².

The comparison to similar developments is an acceptable car parking demand approach, to ensure car parking demand higher than the proposed formal spaces can be accommodated on-site. It is noted that the proposed landscape plan includes approximately 100 over flow parking spaces. These spaces should be constructed with hard wearing surface and maintained for overflow parking. The proposed development provides a rate of 1 space per 150m², which is considered acceptable

Based on the above assessment it is considered the proposed development provides for adequate parking within the development site.

Apart from the above, Council has entered into a Voluntary Planning Agreement, which entails traffic improvements that will need to be undertaken before the operation of any development on the subject site commencing. The VPA will enable improvements to Governor Macquarie Drive that will allow for improved traffic movements and allow for this section of GMD to operate more efficiently.

ISSUE 4: Stormwater

Comment: The applicant has provided concept stormwater plans with the proposal. The stormwater design has been reviewed by Council's Development engineer and considered worthy of support.

ISSUE 5: Ecological Value

Comment: A Vegetation Management Plan was considered for the development site under a separate DA approval process DA-233/2015. The VMP for the industrial site was prepared by Travers Bushfire & Ecology, dated March 2015, reference A15009V. The VMP provided a range of weed clearance works, bush regeneration works, revegetation works and flora and fauna management methods to be implemented and maintained prior, during and post construction on site. Within the VMP prepared by for the industrial zoned land, details were provided that detailed protection measures that are to be implemented to protect the Powerful Owl Habitat along the southern boundary of the site, within the E2 zoned land. The protection measures specified for the Powerful Owl buffer area include the following;

- c) *The use of dense shade cloth affixed to a 1.8m high chain-link fence surrounding the south-eastern boundary during construction to limit reflected sunlight and night light shine from vehicles and equipment into the Powerful Owl buffer and nesting area.*
- d) *Post construction, a planted row of Casuarina glauca will be installed as a visual barrier to filter out car park and other lighting in the long term. The planted trees are expected to grow to an approximate height of 13-20m when mature, which will provide a long term visual barrier to minimise breeding disturbance.*

The VMP provided for DA-233/2015 was reviewed by Council's Natural Resource Planner and considered satisfactory. Accordingly the following conditions of consent were imposed on DA-233/2015 to ensure compliance with the VMP;

Vegetation Management Plan

30. Implementation of works outlined in the approved Vegetation Management Plan, prepared by Travers Bushfire & Ecology, reference: A15009V, dated March 2015, as they relate to Lot 42 shall be initiated prior to commencement of any site works. The Vegetation Management Plan shall be implemented by person or persons with appropriate knowledge, qualifications and experience in current best practices of indigenous vegetation rehabilitation and management.

Note: "Initiated" means all works, processes and procedures prior to works commencing that are to be in place or commenced as stipulated in the above-mentioned VMP are to be in place or have commenced.

48. A monitoring report on the progress of the approved Vegetation Management Plan prepared by Travers Bushfire & Ecology, reference: A15009V, dated March 2015 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.
69. The approved Vegetation Management Plan prepared by Travers Bushfire & Ecology, reference: A15009V, dated March 2015 shall be implemented, and all works the subject of the Vegetation Management Plan carried out.
73. The approved Vegetation Management Plan shall be implemented, and all works the subject of the Vegetation Management Plan carried out.

As can be seen from the above, the proposed development has effectively addressed the impact on the identified threatened ecological flora and fauna communities identified on the site.

ISSUE 6: Air Quality

Comment: The proposed development is for warehouse and distribution centres and is not considered a type of development that would generate a detrimental impact on the air quality of the locality. During construction appropriate conditions of consent have been imposed to ensure that the construction phase of the development does not create any undue air quality impacts on the surrounding locality. The conditions relating to air quality are detailed below;

- *Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.*
- *Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.*
- *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.*
- *Gaseous emissions from the development shall comply with the requirements of the POEO Act and Regulations there under. Processes producing airborne particulate matter shall incorporate a suitable dust collection system.*
- *All woodworking machines shall be fitted with a approved dust collection system and no sawdust or off-cuts shall be burnt on the premises.*

ISSUE 7: Use of RE1 Land

Comment: The proposed development does not encroach on the RE1 zoned land.

ISSUE 8: Visual Impact and Amenity

Comment: It is considered that the proposed development has been designed to generally comply with the design requirements of the LDCP 2008. The proposed development is considered to be of an appropriate bulk and scale given the large site area of Lot 42. The proposed development has incorporated generous landscaping particularly along Governor Macquarie Drive to further reduce any potential unsightliness.

ISSUE 9: Construction of the bike path and the encroachment into the powerful owl zone

Comment: The bike path is to be constructed as prescribed in the applicable VPA for the site. The VPA stipulates that the bike paths have to be constructed prior to the issue of the Occupation Certificate for the development.

The proposed development has provided a VMP for the subject site that provides for protection measures to enable the protection of the Powerful Owl. These include the following;

- a) *The use of dense shade cloth affixed to a 1.8m high chain-link fence surrounding the south-eastern boundary during construction to limit reflected sunlight and night light shine from vehicles and equipment into the Powerful Owl buffer and nesting area.*
- b) *Post construction, a planted row of Casuarina glauca will be installed as a visual barrier to filter out car park and other lighting in the long term. The planted trees are expected to grow to an approximate height of 13-20m when mature, which will provide a long term visual barrier to minimise breeding disturbance.*

Based on the above it is considered that the proposed development has taken appropriate action to alleviate any detrimental impacts on the Powerful Owl.

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

The proposed development is consistent with the zoning of the land and would represent a high quality development for Liverpool. The development provides for a suitable planning outcome and has been designed to be in keeping with the desired future character of the site. The development has incorporated methods and design initiatives to alleviate any detrimental impacts on the surrounding locality. The proposed development will also allow for the upgrade of Governor Macquarie Drive to allow for the better efficiency of traffic movements. The proposed industrial development will allow for the provision of additional employment within the locality and create a positive economic impact. Having regard to the above the proposed development is considered to be in the public interest.

7 CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The Development Application seeks development consent for an industrial development at Lot 42 DP1201607, 200 Governor Macquarie Drive, Warwick Farm.

- The proposal is consistent with the objectives of the IN1 General Industrial zone that is applicable to the site under the LLEP.
- The proposal predominately complies with the provisions of the LDCP 2008. There are variations proposed to some development controls, however these are considered acceptable on merit.
- The application was referred to a number of external authorities with no objections raised, subject to imposition of conditions.
- The proposed development will have positive impacts on the surrounding area, which are largely anticipated by the zoning of the site. The development is in accordance with the zone objectives.

It is for these reasons that the proposed development is considered to be satisfactory and notwithstanding the submissions received, the subject application is recommended for approval, subject to conditions.

8 ATTACHMENTS

- 1) Final Conditions Of Consent**
- 2) Approved Architectural Plans**
- 3) Approved Landscape Plans**
- 4) Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd**
- 5) Supplementary Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd**
- 6) BCA Assessment Report prepared by Blackett Maguire + Goldsmith**
- 7) Bushfire Protection Assessment Prepared by Travers Bushfire & Ecology**
- 8) Fire Safety Strategy prepared by Raw Fire – Fire Safety Engineering**
- 9) Noise Impact Assessment prepared by Acoustic Logic**
- 10) Stormwater Management Plan prepared by MPN Consulting**
- 11) Industrial Vegetation Management Plan prepared by Travers Bushfire & Ecology**
- 12) Statement of Environmental Effects**
- 13) Voluntary Planning Agreement**
- 14) Vegetation Management Plan for the foreshore lands prepared by Travers Bushfire & Ecology.**
- 15) Ecological Constraints Report prepared by Travers Bushfire & Ecology for the rezoning application**
- 16) OEH Response to Ecological Constraints Report**
- 17) RMS In-principle support of signalised intersection**
- 18) Final Consent issued for DA-233/2015**
- 19) Approved Contamination Assessment Report under DA-233/2015**
- 20) Supplementary letter on contamination approved under DA-233/2015 prepared by Douglas Partners**
- 21) Redacted version of submissions**
- 22) Legal advice provided by the applicant regarding draft conditions**
- 23) Applicants response to draft conditions**
- 24) Draft conditions forwarded to the applicant**