

JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	2015SYW219
DA Number	DA-1211/2015
Local Government Area	Liverpool City Council
Proposed Development	<p>Construction of a Warwick Farm Selling Centre, comprising of:</p> <ul style="list-style-type: none"> • a multi-purpose selling arena • parade ring • hotel/office building with 145 hotel rooms, dining area and associated basement parking • Construction of a stabling precinct comprising 12 open sided horse stabling buildings to accommodate 888 horse stalls. • Construction of a truck parking area • storage and maintenance precinct • managers residence.
Street Address	155 Governor Macquarie Drive, Warwick Farm
Applicant/Owner	<p>Applicant – William Inglis & Son Limited</p> <p>Owner – William Inglis & Son Limited</p>
Number of Submissions	1
Regional Development Criteria (Schedule 4A of the Act)	The proposal has a capital investment value of over \$20 million, therefore the Joint Regional Planning Panel is 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 (Building Sustainability Index: BASIX) 2004 • 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.

	<ul style="list-style-type: none"> • <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> • Planning Agreement Inglis, Coopers Paddock, Warwick Farm; Ref, 65 35 4369 JRT • <i>List any coastal zone management plan: s79C(1)(a)(v)</i> • 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 • 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"> 1) Final Conditions Of Consent 2) Approved Architectural/Civil Plans 3) Statement of Environmental Effects 4) Surface Water Management Report prepared by SEEC 5) Acoustic Concept Design Report 6) Traffic Impact Assessment 7) Bushfire protection Assessment 8) Flood Risk Assessment Report 9) Landscape Master Plan Statement 10) Building Code of Australia Assessment Report 11) Fire Engineering Statement 12) Waste Management Plan 13) Heritage Impact Statement 14) Heritage Statement regarding the Hotel 15) Preliminary report to support the removal of trees 16) Riparian Vegetation Management Plan 17) Flora and Fauna Impact Assessment Report 18) Hydraulic and Fire Services Report 19) Energy Efficiency Report 20) Sustainability Design Brief 21) External Lighting Report 22) Electrical Services Return Brief 23) Hotel & Auditorium Food and Beverage Statement 24) Hotel/ Auditorium Façade Treatment Report 25) Landscaping Design Statement 26) Odour Impact Assessment Review 27) Odour Management Plan 28) Equine Management Plan 29) Operational Environmental Management Plan 30) Operational Environmental Management Plan (Surface Water Management) 31) Operational Environmental Management Plan (Sanitary Drainage, roof drainage and Trade Waste Agreement)

	32) Voluntary Planning Agreement 33) Letter from ATC regarding Easement 34) DA-979/2015 consent 35) DA-1077/2015 consent 36) DA-1089/2011 consent 37) DA-1309/2011 consent 38) RMS In-principle approval 39) DEP Minutes 40) BASIX Certificate
Recommendation	Approval
Report by	George Nehme
Report date	June 2016

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 proposed development consists of the Construction of the Warwick Farm Selling Centre, comprising of a multi-purpose selling arena, parade ring and hotel/office building with 145 hotel rooms, dining area and associated basement parking. The proposal also involves the construction of a stabling precinct comprising of 12 open sided horse stabling buildings to accommodate 888 horse stalls; Construction of a truck parking area, storage and maintenance precinct and managers residence.

1.3 The site

The subject site is identified as Lot 1 in DP 1172051 and Lot 2 in DP 581034, 155 Governor Macquarie Drive, Warwick Farm.

1.4 The issues

The main issues are identified as follows:

- Widening of Governor Macquarie Drive and the need for a signalised intersection treatments as opposed to roundabouts
- Consistency with the applicable Voluntary Planning Agreement (VPA).

1.5 Exhibition of the proposal

The development application was advertised for a period of 30 days between 20 January 2016 and 19 February 2016 in accordance with Liverpool Development Control Plan 2008 (LDGP 2008).

During the exhibition period one submission was received. The issues raised within the submission 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. BACKGROUND

2.1 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 execution of a Voluntary Planning Agreement (VPA) between the landowner at the time being Australian Turf Club (ATC) and Liverpool City Council, which includes public works and land dedication comprising remediation and management of certain land, relocation and reconstruction of part of Governor Macquarie Drive and traffic improvements.

It is noted that the proposed hotel development was not anticipated as part of the VPA. As such the cumulative traffic impact generated by the rezoning did not take into account the additional impact of the proposed hotel. Having regard to the above, it is considered the proposed hotel generates an additional nexus for the upgrade of the intersection to a signalised intersection in lieu of roundabouts. Moreover, as the hotel was not a form of development on the Inglis development site envisaged under the VPA, it is considered pertinent in this instance that any cost to upgrade to a signalised intersection be borne by the developer. Accordingly, a condition of consent has been recommended stipulating that all costs associated with the upgrade to a signalised intersection is to be borne by the developer.

b) Development Application for the erection of a stock and sales yard DA-1089/2011

Approval was granted for the demolition of existing structures and erection of a stock and sale yard and associated tree removal and site remediation on the subject site. The application was approved by the JRPP at its meeting on 11 October 2012. The consent was issued on 6 November 2012. However the application was not physically commenced and therefore consent lapsed.

c) Development Application for a car parking area to cater for 832 vehicles DA-1309/2011

Approval was granted for the demolition of built structures including removal of former railway platform, site regrading works, and the construction of a new car parking area accommodating 832 vehicles with associated landscaping. The proposed development for the stock and sales yard will utilise the approved carpark on the adjoining western site through an agreed shared arrangement. As such a condition has been imposed on the consent of DA-1309/2011 that requires a right-of-carriageway be registered on title to benefit the stock and sales yard development site and burdening the adjoining site where the car park has been approved.

Council has also received correspondence from the adjoining owners, being Australian

Turf Club, dated 2 May 2016 stipulating that an agreement has been reached between both parties for the registration of an 88B restriction for a right-of-carriageway over the adjoining site to allow the subject development to utilise the car park. A draft condition of consent has also been imposed on the subject development application requiring an 88B restriction be created to facilitate the shared car park arrangement prior to the issue of an Occupation Certificate.

d) 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 signalised intersection treatments at the intersection of the subject site and Governor Macquarie Drive.

e) Development Application for the Demolition of existing structures and removal of vegetation (DA-979/2015)

Approval was granted for the demolition of existing structures and removal of vegetation on the subject site on 12 April 2016. The approval authorised the removal of the following structures on site;

- Residence
- Garage and carport
- Shed
- Former turnstile & ticket sales booth
- Metal sheds x 2
- Former Ledger Totaliser
- Leger Stand
- Remnant railway platforms (north-western portion of the site)
- Avenue Plantings (behind Macquarie and Leger Stands)

f) Development Application for bulk earthworks (DA-1077/2015)

Approval was granted on 6 May 2016 for bulk earthworks on the subject site.

Note: The intent of DA-979/2015 and DA-1077/2015 were to prepare the subject site for the proposed development.

2.2 JRPP Briefing

A briefing meeting was held on 10 February 2016 in respect to the subject development application. The main outcomes of the briefing meeting with the JRPP are summarised below:

- It is to be ensured that the shared carpark is protected by a legal instrument.

Amended Documentation and Design

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

- The applicant provided a signed letter from the owners of the adjoining site being Australian Turf Club dated 2nd May 2016 stipulating that an easement has been agreed to, however a legal instrument cannot be created until the car park has been completed. As discussed previously in this report, a condition of consent has been imposed on the car park approved DA requiring an easement to be created benefiting the subject development site and burdening the car park site owned by the ATC. A condition of consent will also be imposed on the subject consent requiring the easement to be created and registered prior to the Occupation Certificate being issued for the proposed development.

3. SITE DESCRIPTION AND LOCALITY

3.1 The site

The subject site is known as Lot 1 in DP 1172051 and Lot 2 in DP 581034, 155 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 site area of approximately 10.6436 hectares. The subject allotment is located south-east of the existing Warwick Farm racecourse and originally formed part of the race course site. The subject site has two land use zones. The majority of the site is zoned RE2 Private Recreation. There is also a portion of the site that is zoned RE1 Public Recreation. The area zoned RE1 Public Recreation is isolated to the eastern boundary of the site as shown in figure 2 below. All development associated with the DA is to be undertaken on the portions of the site zoned RE2 Private Recreation.

The development site was subject to a rezoning application (RZ-4/2010). The rezoning application was approved and gazetted as Liverpool Local Environmental Plan 2008 Amendment No.14 (Coopers Paddock and Inglis Site) 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.

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 path. The content of the VPA is discussed in detail further in this report.

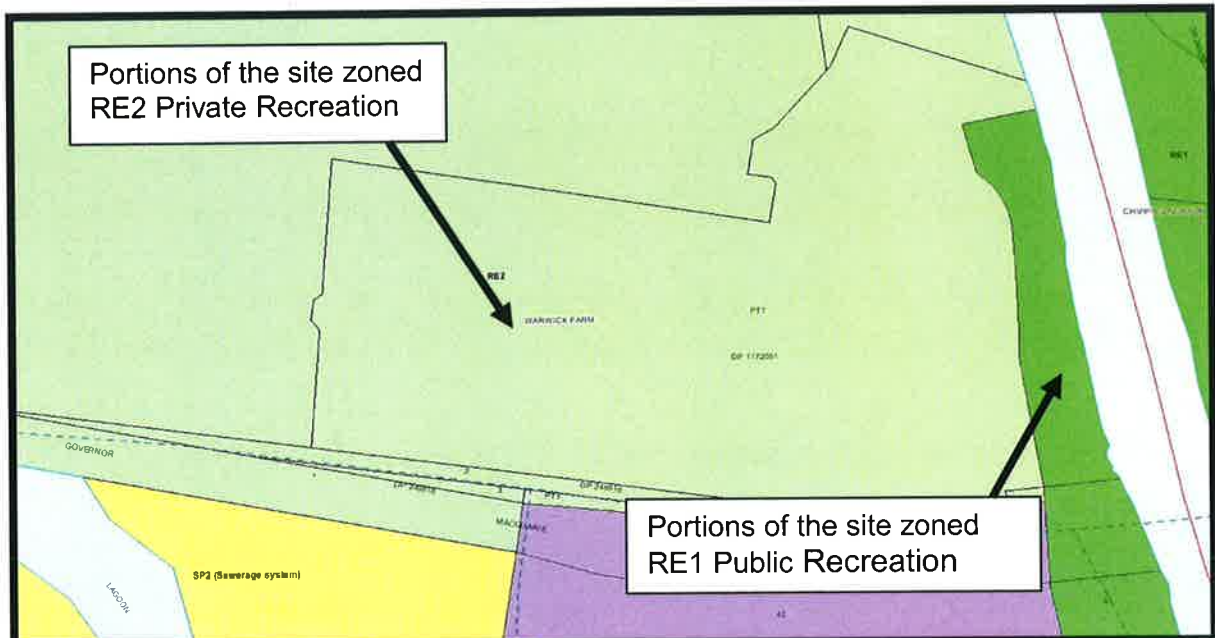


Figure 2: Extract from Zoning Map,– Source: Eview

Currently the site contains a residence, garage/carport, former turnstile and ticket sales booth, former Leger Totalisator, Leger Stand and various sheds. Vegetation currently existing on the site comprise a mix of native and exotic species including mature trees and grass cover. Internal access roads and informal car parking areas also exist on the subject site.

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 the existing structures and removal of vegetation on 12 April 2016 (DA-979/2015).

3.2 The locality

The surrounding locality is characterised by a variety of different commercial and industrial uses. South of the subject site is the site known as Coopers Paddock which is zoned Industrial. DA-333/2015 was approved by the JRPP at its meeting on 13 April 2016 for the constructions of 4 warehouse facilities at the Coopers Paddock site. Located south of the subject site is the existing Sydney Water Sewerage Treatment Plant. Directly north and west of the subject site is the existing Warwick Farm Racecourse. The eastern boundary of the site adjoins the Georges River.

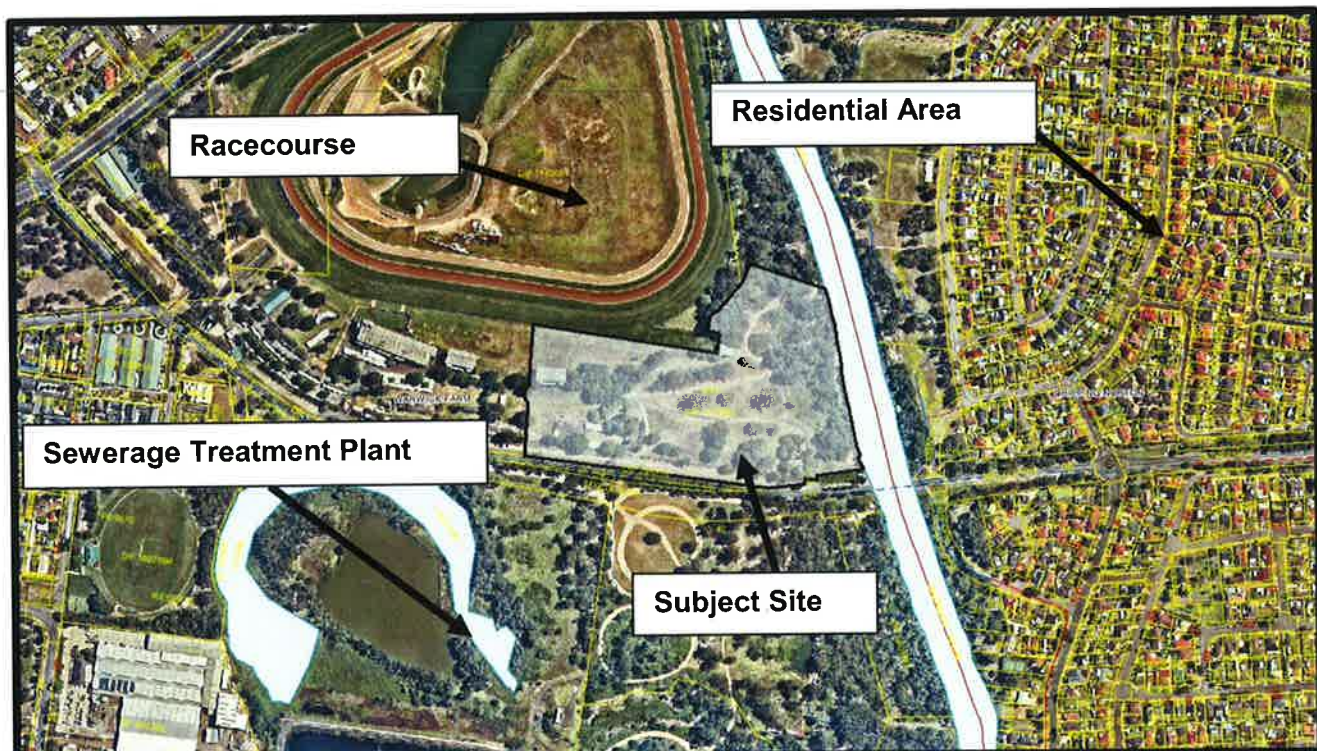


Figure 3: Surrounding locality

3.3 Site affectations

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

Flooding

The proposed Warwick Farm Selling Centre is located on the Georges River floodplain. Most of the site is not affected by flooding under the 1% Annual Exceedance Probability (AEP) event and only small sections on the eastern boundary are affected by 1% AEP flood. A detailed assessment against the Liverpool Local Environmental Plan 2008, flooding provisions are detailed further in this report.

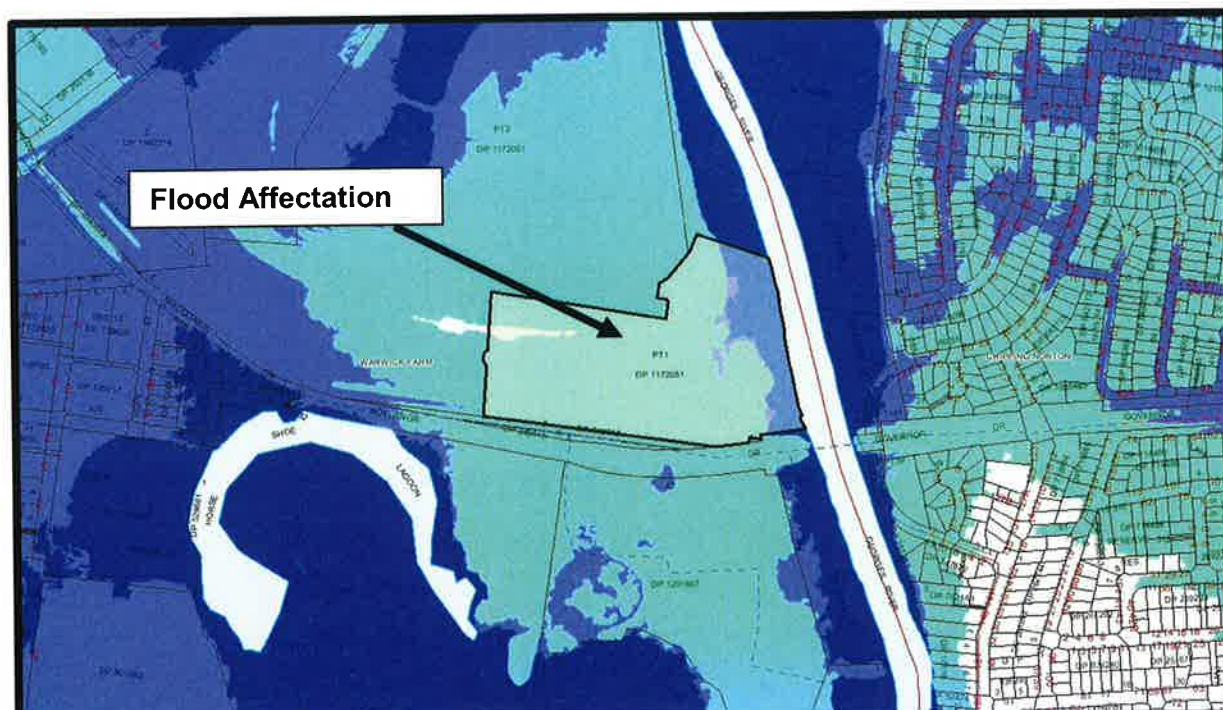


Figure 4: Flood map – Source: Evview

Riparian Zone

The development site contains a riparian corridor along the eastern boundary, adjacent to the Georges River. As such the development application was accompanied by a Riparian Vegetation Management Plan (RVMP), prepared by UBM Ecological Consultants Pty Ltd, original dated 8 April 2011 and subsequently revised on 27 October 2015. The RVMP includes recommendations for the protection of the remnant native vegetation along the Georges River and a management program which addresses the following:

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

The recommendations of the RVMP are proposed to be carried out over a period of five years. The RVMP has been reviewed by Council's Natural Resource Planner and considered acceptable. As such, conditions of consent have been imposed requiring the recommendations of the RVMP be implemented. It is noted that the subject RVMP was considered and approved as part of the previous DA determined on site (DA-1089/2011). However the RVMP was revised to consider any updated legislation or changes to the vegetation since the development application for the stock and sales yard was previously approved.

Environmentally Significant Land

The site is identified as being partly containing environmentally significant land, specifically being the south-eastern portion of the site classified as the riparian buffer adjoining the Georges River.

The impacts on the threatened ecological community were considered as part of a previous Development Application lodged and approved by Council on the subject site (DA-979/2015). That Development Application was approved under delegated authority on 12 April 2016. As part of the Development Application a Flora & Fauna Impact Assessment Report prepared by UBM Ecological Consultants Pty Ltd dated 27 January 2011 was submitted, which made an assessment of the need to protect and preserve the environmentally significant land.

It is noted that the above mentioned report was lodged and considered as part of the previous approved Development Application lodged on the development site (DA-1089/2011) for a stock and sales yard. The report was reviewed by Council's Natural Resource Planner at the time and also considered worthy of support. As part of DA-979/2015, a supplementary letter was provided with the Development Application prepared by UBM Ecological

Consultants dated 22 September 2015. The letter prepared by UBM concluded that the vegetation on site has not changed perceptibly and the recommendations of the Flora and Fauna Impact Assessment are relevant and can be applied to the site in its current state.

The assessment includes a number of recommendations as follows:

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

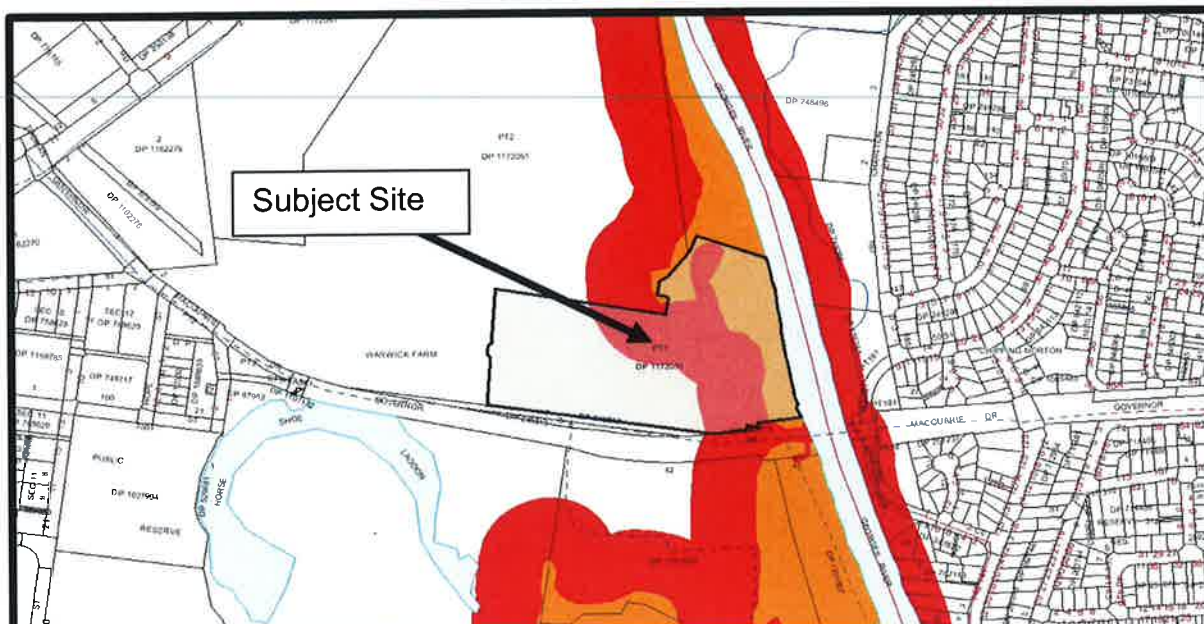
Having regard to the above, conditions of consent were imposed on the development consent issued for DA-979/2015, requiring the recommendations of the Flora and Fauna Impact Assessment be implemented.



Figure 5: Tree Removal Approved under DA-979/2015

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 November 2015, reference A15176. The assessment report was referred to the NSW RFS for comment and they provided their General Terms of Approval to Council dated 24 May 2016. The General Terms of Approval will be included in the final conditions of consent.

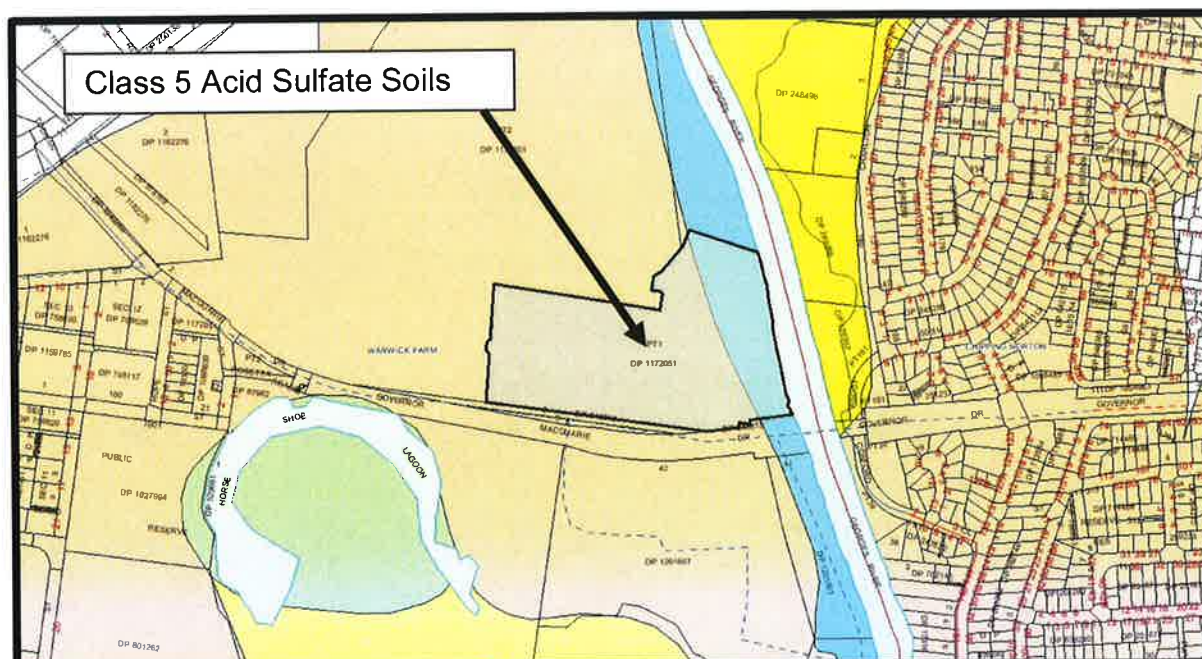


Acid Sulfate Soils

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

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

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



Heritage

The subject site is listed as an item of local heritage significance in Schedule 5 of the Liverpool LEP 2008 known as Warwick Farm Racecourse Group, item No.66. The primary heritage significance of Warwick Farm Racecourse is its active use as an equine related cultural landscape. The dominant feature of the listed heritage item is the racetrack.

The construction of the proposed Inglis Sales Centre and the hotel required demolition of all existing built structures on site. As such a Development Application was submitted and approved for the demolition of existing structures and the removal of vegetation on 12 April 2016 (DA-979/2015). As part of DA-979/2015 the structures that were demolished on site included;

- Residence
- Garage and carport
- Shed
- Former turnstile & ticket sales booth
- Metal sheds x 2
- Former Ledger Totaliser
- Leger Stand
- Remnant railway platforms (north-western portion of the site)
- Avenue Plantings (behind Macquarie and Leger Stands)

As part of DA-979/2015 a Heritage Impact Statement was submitted and reviewed by Council's Heritage Officer. It was concluded that the balance of the loss of significant fabric with the invigoration and ongoing conservation of the racecourse as a whole is considered acceptable.

Therefore having regard to the above, it is considered that the proposed development will provide a significant contribution to the primary heritage significance of the Warwick Farm Racecourse in its primary function as its active use is for the purpose of equine related activities.

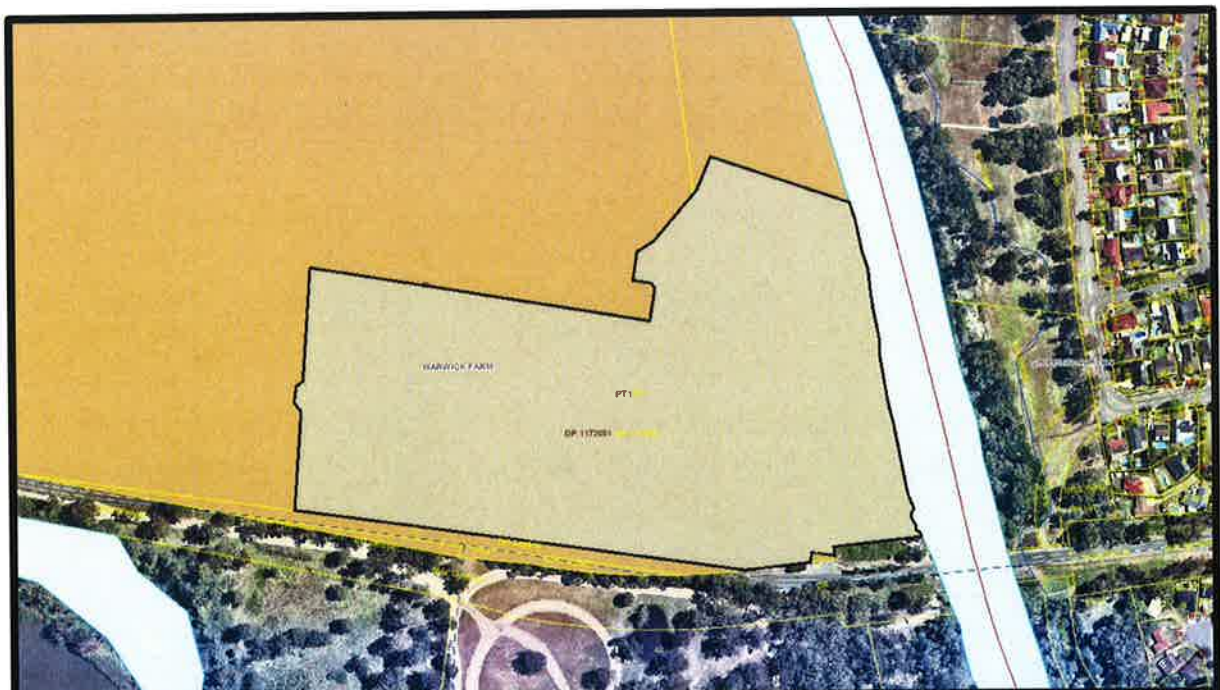


Figure 8: Heritage Item – Source: Eview

4. DETAILS OF THE PROPOSAL

Construction of a new Warwick Farm Selling Centre, comprising of a multi-purpose selling arena, parade ring and hotel/office building with 145 hotel rooms, dining area and associated basement parking. Construction of a stabling precinct comprising of 12 open sided horse stabling buildings to accommodate 888 horse stalls. Construction of a truck parking area, storage and maintenance precinct and managers residence. Details of the proposal are as follows;

- 1) Construction of a Warwick Farm Selling Complex, comprising of a multipurpose selling arena, hotel & parade ring; stabling precinct; truck parking, storage & Maintenance Precinct and Managers Residence.
- 2) The multi-purpose selling arena, hotel/office building and Parade ring consist of the following;
 - a) Lower Ground floor;
 - i) The lower ground floor comprises 21 car parking spaces as well as a plant and motor rooms and delivery dock. A bin storage area is also provided external to the basement.
 - b) Ground Floor Level
 - i) The ground floor level consists of a selling arena with a selling stage surrounded by seating and a multi-purpose space linked to the pre-parade ring and marshalling area for the horses. Retractable auditorium style seating is provided at the back of the selling area. The capacity of the dining area and auditorium area is approximately 500 seats in dining mode and 300 seats in stadium mode.
 - ii) The ground floor also consists of a hotel reception area, a lounge and a branded restaurant and associated kitchen in the north wing of this level of the Hotel/office building.
 - iii) In the southern wing is an Inglis Shop, meeting rooms, sales day office, an event kitchen and toilets which are provided for use in conjunction with the use of the multi-purpose space.
 - iv) Toilets with external access from the Parade Ring area are provided adjacent to the selling stage.
 - v) Also on this level is a multi-purpose terrace provided to the north of the building adjoining the restaurant area and accessible from the multi-purpose space.
 - c) Hotel & Auditorium Mezzanine Floor Level
 - i) The mezzanine level comprises of a lounge bar with a void looking down to the restaurant below and a direct connection to private boxes and stairs to the multi-purpose space below. In the southern wing are an admin space and business centre serving the private boxes, plant rooms and event staff facilities.
 - d) Level 2

- i) Level 2 comprises of the office of Inglis and the Inglis Boardroom overlooking the multi-purpose area below. Meeting rooms overlooking the entry void are also provided on the western side of this level.
 - e) Levels 3 to 7
 - i) These levels comprise the hotel rooms and suites, with 29 rooms on each level, including 3 suites per level. There is a total of 145 rooms.
 - f) Level 8
 - i) This level comprises of a roof top terrace area with a swimming pool and associated deck, bar, gym and spa.
 - ii) Amenities, storage and plant room are also provided on this level.
 - g) Parade Ring & Marshalling Area
 - i) The parade ring is located along the central spine pathway used by pedestrians and horses. This parade ring is to be used to show horses to potential buyers prior to the auctions. The marshalling area is located adjoining the selling centre and is to be used at selling events to bring the horses to the selling centre.
- 3) The stabling precinct consists of the following;
- i) The construction of twelve (12) open sided horse stabling buildings of varying lengths with an associated exercise area, hospitality facilities and car parking spaces. The combined stable buildings will provide accommodation for up to 888 horses in a modular stabling system.
 - iii) The stabling system will also make provision for facilities such as horse wash bays, toilets, feed and tack storage facilities.
 - iv) Between each stable block, a landscaped horse parade display courtyard will be formed for the purpose of allowing owners to parade horses to potential buyers prior to sales. Each courtyard will include a permanent hospitality pavilion that will allow individual stud owners to entertain guests prior to the sale beginning.
 - v) At the rear of each pavilion will be six (6) car parking spaces for use by horse owners/strappers.
 - vi) A horse loading area is located along the service road in the eastern portion of the site within this precinct with vehicular access via the service entry from Governor Macquarie Drive.
- 4) Truck Parking, Storage & Maintenance Precinct comprises of the following;
- i) This precinct is located in the north-west corner of the site and comprises the area to be used by trucks and machinery for maintenance and storage. The storage sheds will be used for feed/hay, machinery and other equipment storage for the stock and sales yard. A truck parking area, truck wash (with bioretention basin) and truck manoeuvring area is also provided in this corner of the site.
- 5) Managers Residence comprises of the following;

- i) The Managers residence is proposed along the eastern boundary of the site, adjoining the riparian zone. The residence comprises of an attached undercroft double garage, with the dwelling located above the garage at ground level.
- ii) Horse yards and riding area are also proposed in this precinct in the eastern portion of the site.

6) Use of the Warwick Farm Selling Complex

- i) The use of the Warwick Farm Selling Centre will comprise of 2 broad categories being the conducting of Sales Events and Administration and Site maintenance.
- ii) A total of 2 major sales and 4 minor sales (totalling about 20 days) will be conducted annually. Prior to the sale days horses will arrive at the site at any time of the day, as vehicles transporting the horses are travelling from distant locations. Horses begin to arrive up to two weeks before the sales dates.
- iii) Prior to the sales days, a maximum of 80 office staff would arrive at the site around 8.30am and leave the site at around 5pm. A maximum of 25 site staff would arrive at the site around 6:30am and would leave the site around 6.30pm. Stud staff (1 person for 3 horses) will arrive with the horses and need to be on site between 6:30am and 6:00pm
- iv) On sales days, sales will start at 11am and finish at 5:00pm. Only a few horses will arrive at the site on sale day. An estimated 2,000 people including 500 staff and 1,500 patrons would be onsite during a major sale day and a total of 750 people, including staff, would be on site during a minor sale. Other aspects of Sales events includes the use of the hospitality suites, the delivery of horse feed & stable bedding and the removal and disposal of used stable bedding.
- v) The car park under construction on the adjoining Warwick Farm racecourse site will be used during sales days, with racing programs and sales events being co-ordinated to prevent a clash of dates.

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



Figure 9: Master Plan of Proposed Development



Figure 10: Perspective

Temporary Events

The proposed development does not include the provision for temporary events outside of the primary uses for the stock and sales yard and Hotel. As such, a condition of consent will be imposed requiring approval for any temporary event not associated with the stock and sales yard or the Hotel use.

4.1 History

- 1) The subject DA was lodged with Council on 11 December 2015.
- 2) DA-1089/2011 was lodged with Council on 20 April 2011 on the subject site. The application was for the demolition of existing structures and erection of stock and sale yard and associated tree removal and site remediation. The application was approved by the JRPP on 6 November 2012. However the application has since lapsed.
- 3) DA-1309/2011 was lodged on 22 June 2011 for No.2 Hume Highway Warwick Farm, the adjoining western site forming part of Warwick Farm racecourse. The application was for the demolition of built structures including removal of the railway platform, site regrading works, and the construction of a new car parking area accommodating 832 vehicles and associated landscaping. The application was approved on 9 October 2012. The subject DA is to utilise the car parking facilities approved under DA-1309/2011 for the purposes of the sales and stock yards.
- 4) DA-979/2015 was lodged on 2 October 2015 for the subject site. The DA is for the demolition of existing structures and removal of vegetation. This DA was approved on 12 April 2016
- 5) DA-1077/2015 was lodged on 4 November 2015 for the subject site. The DA is for bulk earth works including importing of fill and grading of levels. This DA was approved on 6 May 2016.

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;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- 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

5.2 Zoning

The subject site has two land use zones. The majority of the site is zoned RE2 Private Recreation, there is also a portion of the site that is zoned RE1 Public Recreation as depicted in figure 11 below.

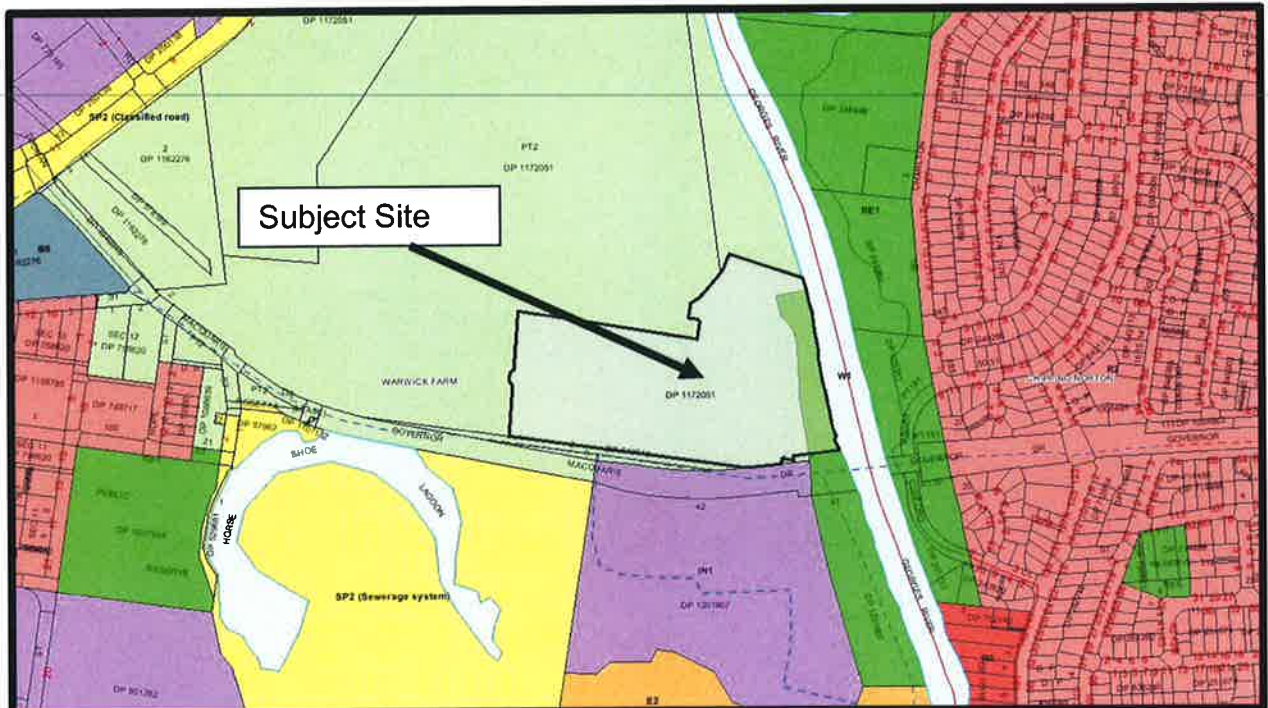


Figure 11: Extract of LLEP 2008 zoning map

5.3 Permissibility

Part of the proposed development would be most appropriately defined as a 'Stock and Sales Yard', which is permissible within the RE2 Private Recreation Zoning. A stock and sales yard is defined as;

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

Part of the proposed development would be most appropriately defined as a "Hotel or Motel Accommodation", which is also permissible within the RE2 Private Recreation Zoning. A Hotel or Motel Accommodation is defined as;

"a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) *comprises rooms or self-contained suites, and*
- (b) *may provide meals to guests or the general public and facilities for the parking of guests' vehicles,*

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation".

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration as 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.

As part of the previous DA approved on site for the Stock and Sales Yard (DA-1089/2011) a report titled 'Remediation Action Plan Warwick Farm Racecourse for Australian Jockey Club Limited c/- Lean & Hayward Pty Limited' (Project No. 17403/7836b, Report No. 10/0390) prepared by SMEC Testing Services Pty Ltd dated April 2010 was submitted. This report was provided for consideration with the current application.

In addition, a report titled 'Remediation and Validation Program Land at Warwick Farm Racecourse, Warwick Farm, New South Wales for Australian Turf Club (Project No. 17403/2224C, Report No. 12/2027) prepared by SMEC Testing Services Pty Ltd dated April 2013 was submitted with DA-1077/2015, which approved the bulk earthworks on the subject site. This was provided for consideration for the current application as well.

Section 3 of the Remediation and Validation Program identifies the site as an 11.25 hectare parcel of land in the south-eastern corner of the larger Warwick Farm Racecourse complex. Drawing No. 12/2027/1 in the Remediation and Validation Program identifies the location of the investigation area. The report also refers to previous environmental assessments for the site including:

- Australian Jockey Club Limited, Stage 1 Environmental Site Assessment, Warwick Farm Racecourse- Southeast Portion, Hume Highway, Warwick Farm NSW, Report No. E1107.1.AA, 21 October 2009 (2009 PSI) prepared by EI; and
- Contamination Assessment, Warwick Farm Racecourse for Australian Jockey Club Limited c/- Lean & Hayward Pty Ltd, project No. 17403/7513B, Report No. 10/0077, January 2010 (2010 Contamination Assessment) prepared by STS.

Both of these assessment reports were also forwarded to Council for review.

The Contamination Assessment prepared by STS dated January 2010 also reported that Area of Environmental Concern (AEC) 4 comprised fill areas in the eastern end of the site. This area encompassed the region surrounding the green outbuilding located near the proposed truck parking and feed and hay store. STS concluded that all contaminant levels were below the site assessment criteria in the filled areas. The remaining areas of the site requiring remediation were previously remediated and validated under DA-1077/2015. Consequently, the site is considered suitable for the proposed use.

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 for the subject site. The documentation was 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 SMEC as part of DA-1077/2015, concludes the site is suitable for the proposed use.
(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 detailed above, the site is considered suitable for the proposed development.

Having regard to above it is considered the proposed development is suitable for the proposed use and satisfies clause 7 of SEPP 55.

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 stock and sales yard 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 4 and 5. A geotechnical assessment has been submitted and it was concluded that the proposed development will not have a detrimental impact on 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 a rural industry development, specifically stock and sales yard. The proposed uses are not considered to generate any additional 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 has been submitted with the application and considered acceptable.
(10) Urban development areas	The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy. The site is not identified as being an Urban

	Release Area under LLEP 2008.
(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, the proposal involves drainage works and vegetation management in accordance with the approved Riparian Vegetation Management Plan within the RE1 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 majority of the site is zoned RE2 Private Recreation. There is also a portion of the site that is zoned RE1 Public Recreation. Part of the proposed development would be most appropriately defined as a 'Stock and Sales Yard', which is permissible within the RE2 Private Recreation Zoning. A stock and sales yard is defined as;

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

Part of the proposed development would be most appropriately defined as a "Hotel or Motel Accommodation", which is also permissible within the RE2 Private Recreation Zoning. A Hotel or Motel Accommodation is defined as;

"a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation".

The proposal involves drainage works and vegetation management in accordance with the approved Riparian Vegetation Management Plan. within the RE1 Zone.

Zone Objectives

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

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

It is considered that the proposed development is consistent with the objectives of the RE2 zone, in that it provides a use that is compatible with the predominant recreational equine use of the adjoining development site.

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

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

It is considered that the proposed development is consistent with the objectives of the RE1 zone, in that it provides an avenue to protect and enhance the natural environment, particularly the riparian zone along the eastern boundary of the site. The development also allows for the preservation and maintenance of environmentally significant land or environmentally sensitive land.

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 "Y" 10,000sq.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 "U" 30m	Maximum Height Hotel = 28.2m to top of parapet and 33.15m to top of roof (portion of building exceeding height limit is addressed under clause 5.6 "Architectural Roof Features" Selling Arena = 15.5m to top of building and 25.5m to top of spire.	Yes

		<p>Stable A = 9.715m</p> <p>Stables B-L = 9.4m</p> <p>Hospitality (stables) = 4.25m</p> <p>Manager's residence = 4.7m</p> <p>Feed/hay store = 5.95m</p> <p>Main store = 7.4m</p> <p>Machinery store = 4.8m</p> <p>Security = 2.85m</p> <p>Horse spine security = 4.4m</p>	
Clause 4.4 Floor Space Ratio	<p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>Maximum FSR applicable to the site is nominated as "A4" 0.25:1</p>	0.16:1	Yes
Clause 5.9 – Preservation of Trees or Vegetation	Councils consent is required prior to the removal of any existing trees of vegetation.	<p>All necessary tree clearing was approved under DA-979/2015.</p> <p>Therefore no further tree removal will be required under this application</p>	Yes
Clause 5.6 – Architectural roof features	Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.	Detailed assessment of clause 5.6 is provided below	Yes

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	Detailed assessment of clause 5.10 is provided below	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.	As identified previously in this report a Riparian Vegetation Management Plan was submitted as part of this development application. The RVMP was reviewed by Council's Natural Resource Planner and considered satisfactory.	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 5.6 – Architectural Roof Features

As advised above, the proposed hotel has a maximum height of 28.2m to top of parapet and 33.15m to top of roof. The portions of the building exceeding the maximum height limit is covered by clause 5.6. The objectives of clause 5.6 under clause 5.6(1) are as follows;

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

Comment: It is considered that the proposed roof feature of the hotel is of visual interest. It provides for a sense of character and identity to the hotel and contributes to the buildings prominence within the streetscape.

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

Comment: The proposed roof feature is a decorative element. The majority of the roof is contained within the maximum building height standard.

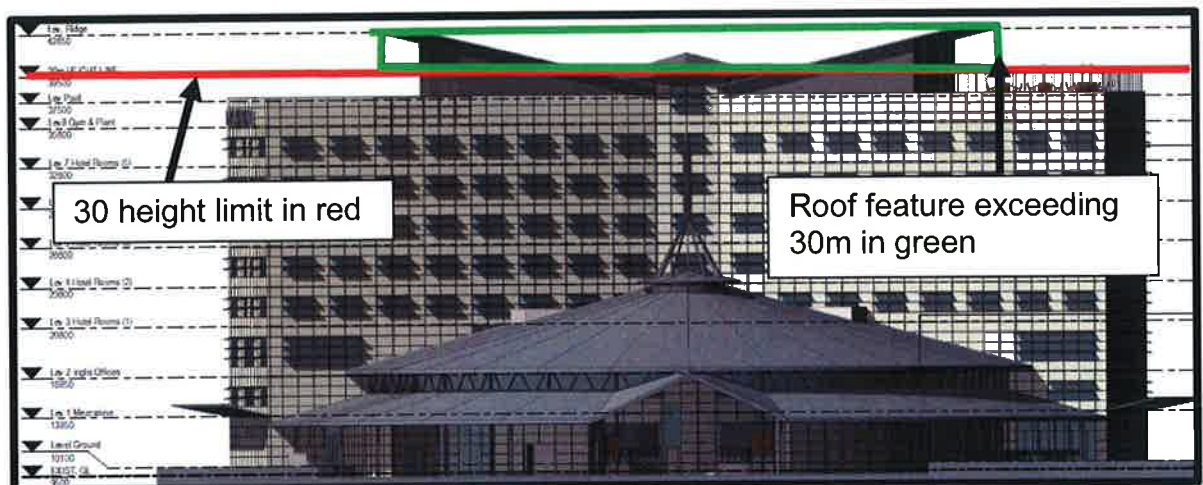


Figure 12: Portion of the hotel exceeding 30m

Clause 5.6(2) states;

Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

Comment: Development consent is sought for the proposal.

Clause 5.6(3) states;

Development consent must not be granted to any such development unless the consent authority is satisfied that:

- (a) *the architectural roof feature:*

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

Comment: The architectural roof feature is considered a decorative element on the uppermost portion of the hotel and does not accentuate the bulk and scale of the building.

- (ii) *is not an advertising structure, and*

Comment: The architectural roof feature is not an advertising structure

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

Comment: The roof feature does not include floor space and is not reasonably capable of being converted to floor space.

(iv) will cause minimal overshadowing, and

Comment: The architectural roof feature will cause no adverse overshadowing impacts.

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

Comment: All plant rooms contained within the roof feature have been fully integrated into the architectural roof feature.

Conclusion: Having regard to the above it is considered that the roof feature proposed for the hotel is consistent with the provisions of clause 5.6 and is worthy of support in this instance.

Clause 5.10 – Heritage Conservation

The objectives of clause 5.10 are as follows;

- (a) to conserve the environmental heritage of Liverpool,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment: The subject site is listed as an item of local heritage significance in Schedule 5 of the Liverpool LEP 2008 known as Warwick Farm Racecourse Group, item No.66. The primary heritage significance of Warwick Farm Racecourse is its active use as an equine related cultural landscape. The dominant feature of the listed heritage item is the racetrack.

The construction of the proposed Inglis Sales Centre and the hotel required demolition of all existing built structures on site. As such, a Development Application was submitted and approved for the demolition of the existing structures and the removal of vegetation on 12 April 2016 (DA-979/2015). As part of DA-979/2016 the structures that were demolished on site which included;

- Residence
- Garage and carport
- Shed
- Former turnstile & ticket sales booth
- Metal sheds x 2
- Former Ledger Totaliser
- Leger Stand
- Remnant railway platforms (north-western portion of the site)
- Avenue Plantings (behind Macquarie and Leger Stands)

As part of DA-979/2015 a Heritage Impact Statement, prepared by Graham Brooks and Associates, dated 9 December 2015, was submitted and reviewed by Council's Heritage Officer. It was concluded that the balance of the loss of significant fabric with the invigoration and ongoing conservation of the racecourse as a whole is considered acceptable.

Therefore, having regard to the above, it is considered that the proposed development will provide a significant contribution to the primary heritage significance of the Warwick Farm Racecourse in its primary function, as its active use is for the purpose of equine related activities.

Clause 7.8 – Flood Planning

Council's 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 land to which this clause applies unless the consent authority is satisfied that the development:

(a) is compatible with the flood hazard of the land, and

Comment: Most of the site is located above the 1% Annual Exceedance Probability (AEP) flood. A small section of the development footprint, which is within the 1% AEP extent, will be filled above the 1% AEP flood. Thus the proposed development is considered compatible with the flood hazard of the land.

(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

Comment: The cumulative flood impact assessment using 2D hydraulic modelling by FloodMit Pty Ltd (ref: J1207_L1, dated: 12 April 2012) has established that the proposed development is unlikely to adversely impact flood behaviour and unlikely to adversely impact on the flood behaviour on adjacent properties.

(c) incorporates appropriate measures to manage risk to life from flood, and

Comment: The floor levels of the proposed buildings will be above the 1% AEP flood plus half a metre freeboard and hence the building floors are not subject to flooding up to the 1% AEP flood event. The structures will be constructed with flood compatible building components below the 1% AEP flood plus half a metre freeboard. As per Council's conditions of consent, the applicant is required to develop and maintain a flood evacuation plan at the site. 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. Therefore, the proposed development has incorporated appropriate measures to manage risk to life from flood.

(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

Comment: Most of the proposed development site is located above the 1% AEP flood and hence 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 unlikely to cause destruction of riparian vegetation.

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and

Comment: As per the draft conditions of consent, 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) *is consistent with any relevant floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual.*

Comment: The site is located within the Georges River catchment. The proposed development is consistent with Liverpool Council's Georges River floodplain risk management plan, which was prepared in accordance with the Floodplain Development Manual.

Conclusion: Having regard to the above it is considered that the proposed development is consistent with the provisions of clause 7.8 and is worthy of support in this instance. Appropriate conditions of consent will be imposed to ensure the proposed development will remain consistent with the applicable flooding provisions of the LLEP 2008.

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 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 proposal on the subject site a riparian 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 RVMP was reviewed as part of the assessment 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

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
7. DEVELOPMENT NEAR CREEKS AND RIVERS	<p>The subject site is located approximately 60m from the Georges River to the east.</p> <p>The Office of Water has issued its General Terms of Approval.</p> <p>The proposed development is considered to be acceptable in terms of its impacts on the river.</p>	Yes
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 proposed 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 4 and 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-979/2015	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 Archaeological significance identified on the subject site.	Yes
17. HERITAGE AND ARCHAEOLOGICAL SITES	<p>The subject site is listed as an item of local heritage significance in Schedule 5 of the Liverpool LEP 2008 known as Warwick Farm Racecourse Group, item No.66. The primary heritage significance of Warwick Farm Racecourse is its active use as an equine related cultural landscape. The dominant feature of the listed heritage item is the racetrack.</p> <p>As part of DA-979/2015, a heritage impact statement, prepared by Graham Brooks and</p>	Yes

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
	<p>Associates, dated 9 December 2015, was submitted and reviewed by Council's Heritage Officer. It was concluded that the balance of the loss of significant fabric with the invigoration and ongoing conservation of the racecourse as a whole is considered acceptable.</p>	
<p>18. NOTIFICATION OF APPLICATIONS</p>	<p>The development application was advertised for a period of 30 days between 20 January 2016 and 19 February 2016 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008).</p> <p>During the exhibition period one submission was received. The issues raised within the submission are discussed further within the report.</p>	Yes
<p>20. CAR PARKING & ACCESS</p> <p>The LDCP 2008 does not provide car parking rates for a stock and sales yard</p> <p>Hotel = 1 space per room/unit plus 1 space per 2 employees engaged in accommodation</p>	<p>The applicant submitted traffic and parking impact assessment. The traffic and parking assessment specified that the proposed development will utilise the adjoining approved carpark approved under DA-1309/2011 at 2 Hume Highway. The traffic and parking assessment concluded that the proposed development will generate a maximum parking demand of approximately 520 spaces on major sales days. As such the approved car park has provided for 832 spaces which more than exceeds the maximum parking demand generated by the proposed development.</p> <p>Having regard to the above a condition of consent will be imposed stipulating that major sales days and race meets at Warwick Farm racecourse do not overlap.</p> <p>A condition of consent will also be imposed requiring an 88B instrument be registered on title benefiting the subject site and burdening the adjoining site containing the carpark to ensure the development is able to utilise the car park. It is noted that ATC have already consented to this arrangement.</p> <p>Notwithstanding the above, 21 car spaces have been proposed within the basement of the hotel to cater for the offices and administration within the Hotel.</p> <p>Within the stabling precinct a total of 70 vehicle spaces have been provided, divided up between each stable to allow for potential buyers to view the horses.</p>	Yes

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
	<p>Seven car spaces have been provided in close proximity to the manager's residence and a double car garage has also been provided for as part of the managers residence.</p> <p>Four car spaces have been provided adjacent to the feed/hay store at the northern part of the site.</p> <p>Eight truck parking spaces have been provided for on the hardstand area adjacent to the horse walker.</p>	
21. WATER CONSERVATION	<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>A BASIX certificate was also lodged for the manager's residence and will form part of the conditions of consent.</p>	Yes
22. ENERGY CONSERVATION	<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>A BASIX certificate was also lodged for the managers residence and will form part of the conditions of consent.</p>	Yes
25. WASTE DISPOSAL AND RE-USE FACILITIES	<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>	Yes

6.4 Section 79C(1)(a)(iiia) - 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 subject development site (north of GMD) known as the Inglis site and Coopers Paddock on the southern side of GMD.

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. The items of work listed in the schedule that apply to this development are item 4A, 4B, 4C and 5A.

The items above relate to traffic improvements along GMD and the provision of a bike/pedestrian path. These items are required to be completed prior to an Occupation Certificate being issued for any development on the subject site. As such conditions of consent will be imposed on the development consent requiring the items listed in schedule 3, under items 4A – 4C and 5A are to be completed prior to the issue of any occupation certificate for the site.

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	Prior to the issue of either: (1) A Subdivision Certificate for	\$2,498,791	5%

		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	<p>a plan that when registered would create an industrial lot;</p> <p>(2) An Occupation Certificate for any Development on the Industrial Land or;</p> <p>(3) An Occupation Certificate for any development on the Inglis Site,</p> <p>Whichever occurs first</p>		
4B	Traffic Improvements	<p>Provision of the following works to both carriageways of Governor Macquarie Drive:</p> <ul style="list-style-type: none"> • Lighting • Kerb and Guttering • Median strip 	<p>Prior to the issue of either:</p> <p>(1) A Subdivision Certificate for a plan that when registered would create an industrial lot;</p> <p>(2) An Occupation Certificate for any Development on the Industrial Land or;</p> <p>(3) An Occupation Certificate for any development on the Inglis Site,</p> <p>Whichever occurs first</p>		
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	<p>Prior to the issue of either:</p> <p>(1) A Subdivision Certificate for a plan that when registered would create an industrial lot;</p> <p>(2) An Occupation Certificate for any Development</p>	Included in Item 4A	

			on the Industrial Land or; (3) An Occupation Certificate for any development on the Inglis Site, Whichever occurs first		
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 paths	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) 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).	Prior to the issue of either: (1) A Subdivision Certificate for a plan that on registration would create an Industrial Lot; or (2) An Occupation Certificate for any Development on the Industrial Land, Whichever occurs first	\$570,000	5%

Intersection Treatment at Coopers Paddock

As stipulated by part 4C of the above schedule, traffic improvement provisions 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;

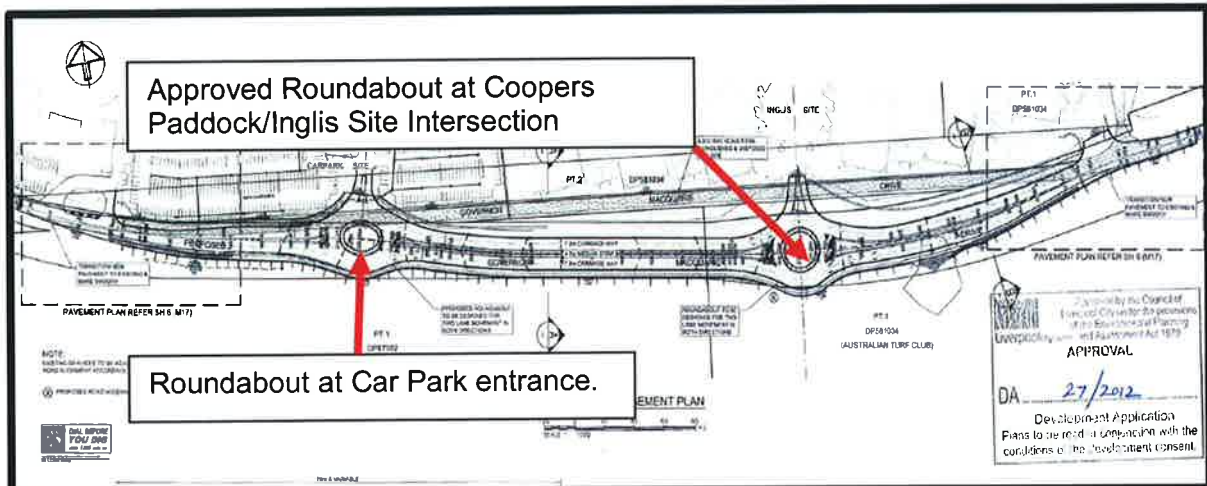


Figure 13: Approved Intersection designs

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

However, since the approval of the application, Council has undertaken a SIDRA analysis of the approved intersection treatments under DA-27/2012. The SIDRA analysis and Council's Traffic Engineers have concluded that the roundabout approved at the Coopers Paddock/Inglis site 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 be amended to a signalised intersection. It was therefore requested that the applicant provide an amended plan for the subject DA to reflect a signalised intersection instead of the approved roundabout. The applicant has provided an amended plan to that effect, 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 a section 96 application to DA-27/2012 to be lodged to reflect these new requirements.

In response to the proposed signalised intersection, the RMS has provided Council with correspondence providing their in-principle support of the signalised intersection (Attachment 38).

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 of development given the desired future character of the site. It is considered to be a form of 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 stock and sales yard to be well suited within the immediate surrounding locality and will not be out of place within the surrounding built environment, particularly having regard to the predominant equine use surrounding the subject site.

Natural Environment

Vegetation Management

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 Riparian 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.

Odour

The nature of the development being a stock and sales yard creates potential for odour sources as a result of the stable facilities intended to accommodate a maximum of 888 horses and the collection and transportation of horse manure and horse bedding. Accordingly, an odour impact assessment was provided with the application prepared by Steven Layman Consulting and a peer review assessment of the odour management plan prepared by the Odour Unit, dated 2 May 2016. Based on the assessment it was concluded that the surrounding residential area would not be adversely affected by Odour from the facility.

Notwithstanding the above & to ensure the proposed development does not generate any detrimental impact in terms of odour on the surrounding locality, a condition requiring a field ambient odour assessment is to be undertaken within 6 months of the occupation of the development. The condition is to read as follows;

Field Ambient Odour Assessment

A field ambient odour assessment shall be prepared by a suitably qualified and experienced air quality consultant and be submitted to Council for its assessment and approval within six (6) months of occupation/completion of the development. The assessment shall be undertaken during a major sale event at the Warwick Farm Selling Centre. The report shall include but not be limited to the following information:

- a) Odour measurements taken at the nearest potentially affected receiver/s;*
- b) Verification that odour levels at the nearest potentially affected receiver comply with all relevant assessment criteria;*
- c) All complaints received from local residents in relation to the operation of the premises/development; and*
- d) Where odour measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to*

how odour emissions can be satisfactorily reduced to comply with the assessment criteria.

Following written approval from Liverpool City Council, any recommendations provided under point d) above shall be implemented fully.

Noise

As part of the proposed development an acoustic assessment was prepared and submitted with the application. The acoustic assessment was prepared by Marshall Day Acoustics, dated 1 December 2015, reference Rp 001 2015408SY. The acoustic report was reviewed by Council's Environmental Health Officer and considered acceptable. Notwithstanding the above, as the acoustic assessment is predominately prediction based, it was considered pertinent that additional acoustic assessment be undertaken 6 months after the use of the premises commences. The condition is to read as follows;

Acoustic Report

An acoustic report shall be prepared by a suitably qualified and experienced acoustic consultant and be submitted to Council for its assessment and approval within six (6) months of occupation/completion of the development. The acoustic assessment shall be undertaken during a major sale event at the Warwick Farm Selling Centre. The report shall include but not be limited to the following information:

- a) Noise measurements taken at the nearest noise sensitive locations as indicated in the Warwick Farm Inglis Planning Phase Acoustic Report (Report No. Rp 003 r02 2015408SY, Status Final Rev: r02) prepared by Marshall Day Acoustics Pty Ltd dated 4 December 2015;*
- b) Verification that noise levels at the nearest potentially affected receiver comply with all relevant assessment criteria detailed in the abovementioned report;*
- c) All complaints received from local residents in relation to the operation of the premises/development; and*
- d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.*

Following written approval from Liverpool City Council, any recommendations provided under point d) above shall be implemented fully.

Waste Management/Water Quality Management

Due to the nature of the application involving livestock and the proximity of the proposed development to the Georges River, it was considered pertinent in this instance to ensure the ongoing operations of the stock and sales yard do not create a detrimental impact in terms of water quality on the Georges River and effective environmental management practices are put in place to ensure all waste generated by the development are dealt with in the most appropriate manner. Accordingly the following reports were provided with the application;

- a) Operational Environmental Management Plan (OEMP) (Sanitary Drainage, Roof Drainage and Trade Waste Management), prepared by Northrop, reference 150584, dated 29/04/2016.*
- b) Surface Water Management Report, prepared by SEEC, reference 15000193-SWMR-01_DA, dated 10 December 2015.*
- c) Operational Environmental Management Plan (OEMP) (Surface Water Management), prepared by SEEC, reference 12000085_OEMP-01, dated 29 April 2016.*

- d) *Operational Environmental Management Plan (OEMP) Solid Waste Management, prepared by Timothy Court & Company Architects, undated.*
- e) *Equine Management Plan, prepared by Timothy Court and Company Architects, reference FN 4.5.1.26_Equine Management Plan.DOCx, undated.*

The above reports detailed environmental management methods to be undertaken at the facility to ensure appropriate environmental management practices are in place to alleviate any adverse impacts on the adjoining Georges River, particularly when taking into account the impact of surface runoff of waste generated by horses on the stormwater system. The above reports have been reviewed by Council's Environmental Health Department and considered acceptable, subject to the recommendations of the reports being implemented during the operation of the facility. The implementation of the recommendations of these reports will ensure that the proposed development will take all possible precautions and implement all relevant management practices to ensure that any waste generated by the development will have as minimal impact on the stormwater system and the Georges River as possible.

Moreover, Sydney Water provided correspondence dated 14 April 2016, raising the following issues;

- a) There is no detailed design package about wastewater treatment system proposed to collect and treat wash down water in the sustainability report.

Comment: The applicants provided Sydney Water with a copy of the Hydraulic Services Plan, Drawing Number H01, Revision 3, dated 01.03.16 and the Surface Water Management Report, prepared by SEEC, reference 15000193-SWMR-01_DA, dated 10 December 2015.

- b) It appears horses will be walked over surfaces draining to the proposed biofiltration systems and into the Georges River. In some cases WSUD elements may be used to treat for bacterial contamination but a larger wetland would be required as part of the treatment train. Bacteria containing flow should not be allowed into the bioretention system.

Comment: The applicant provided Sydney Water with the following response;

All horse wash down areas are to be contained within each Stable complex and drain to an approved Trade Waste Treatment system. A schematic of the Trade Waste System is attached for your review as shown in figure 14 below. It is to be a totally separate system from the Stormwater Drainage System.

*There is potential for horse droppings within remaining outdoor areas (parade grounds, trade waste pick up areas) that would need to be picked up by hand and disposed of in the trade waste management system. This is discussed in **Section 4.7** of our Surface Water management report (also attached for your reference) (attachment 4) that states –*

'It will be important that all WSUD components of the Surface Water Management Design are regularly inspected and maintained to ensure continuing performance criteria are met. Generally, all larger solids such as horse manure will be picked or swept up and disposed in the proposed trade-waste system; it will not be hosed or swept directly into the stormwater drainage system.'

Our report is based on a Water Quality Model undertaken using MUSIC (also attached for your reference). Outside areas exposed to horses have been modelled using Agricultural nodes that have higher nutrient loads to cater for the above. Based on the above, it is not envisaged that there would be high concentrations of horse manure that would have an effect on the bioretention systems, rather than small

remnants spread out over a 5.6Ha catchment area. There are also grassed buffer areas within the parade grounds with subsoil drainage and grassed swales in other surrounding areas that also help reduce nutrient loads. The bioretention basins have been size accordingly using MUSIC so that we are under the DECC (2007) Water Quality Targets (Refer to **Section 4.6 & Section 6** of our SWMR), Wetlands are also another option to these as mentioned in your letter.

Our design can also be enhanced if required by installing Enviropods within certain pits and adding other propriety products to the treatment train such Holcim's 'JellyFish' or Stormwater 360's 'Stormfilter' Units that also take additional nutrients from the stormwater. It is understandable that Sydney Water & Council would have concerns with regard to water quality due to existing practices within the surrounding area, but the Inglis facility would be a world class facility compare with these and would have a stringent post development Management Plan (OEMP) in place.

- c) All potentially contaminated areas should be roofed and bunded to prevent contaminated stormwater entering council's storm water system and environment.

Comment: The applicant provided a response to Sydney Water stipulating the following;

Basically the whole site could be potentially contaminated but it would be impractical to try and roof and bund the whole site. Therefore all washed down areas are to be contained within the rooved Stable Complexes and sent to trade waste which would be separated from the stormwater system and managed as previously discussed.

- d) There is no OSD proposed. This is for Council to adjudicate.

Comment: Council's Engineers have reviewed the application and concluded that the proposed drainage design is satisfactory and the need for OSD is not required.

Conclusion: Sydney Water has reviewed the information provided by the applicant and have provided the following correspondence stating;

"I am satisfied that if the stabling area runoff is directed to trade waste and general surface water runoff is managed very carefully to minimise faecal coliforms associated with horse manure reaching the bioretention systems and thence the Georges River, the development should be ok".

Accordingly it is considered that the proposed development will implement appropriate environmental management practices to alleviate any potential detrimental impact on the drainage system and subsequently the Georges River.

Having regard to all the above, the following conditions of consent have been imposed to ensure the subject development will continually utilise the most appropriate management practices.

a) Operational Environmental Management Plan

The Operational Environmental Management Plan shall provide a comprehensive and complete action and implementation plan to mitigate environmental impacts that may arise during operation of the Warwick Farm Selling Centre. The Plan shall address means by which the commitment in the Statement of Environmental Effects, environmental assessment reports and approval will be fully implemented.

The EMP shall also provide a framework for managing and mitigating environmental impacts for the life of the development and make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures. The Plan shall incorporate a Noise Management Plan prepared under the supervision of a suitably qualified and experienced acoustic consultant. Suitable management and control measures are to be included within the Plan to prevent adverse impacts on the environment. As a minimum, the EMP shall:

- a) Provide the strategic context for the management of the development;
- b) Identify all the statutory requirements of the development and any specific environmental standards;
- c) Detail mitigation measures to minimise acoustic impacts;
- d) Specify mitigation requirements to maintain air quality;
- e) Outline mitigation measures to maintain water quality;
- f) Address sediment and erosion control during operation; and
- g) Include community consultation and complaints management procedures.

A copy of the Operational Environmental Management Plan shall be forwarded to Liverpool City Council for review and approval prior to the issue of the Occupation Certificate.

- b) A Compliance Certificate prepared by a suitably qualified and experienced environmental consultant shall be submitted to Liverpool City Council certifying that all components of the development comply with the approved Operational Environmental Management Plan and that all recommendations have been adopted.

c) Environmental Monitoring Program

An Environmental Monitoring Program is to form part of the Operational Environmental Management Plan. The Environmental Monitoring Program shall be prepared by a suitably qualified and experienced environmental consultant to evaluate the adequacy of adopted site operation, water management and pollution mitigation measures at the Warwick Farm Selling Centre.

The Program shall outline sample site selection, frequency of sampling, sample collection methods, analytes and sampling personnel. It shall also address any monitoring requirements contained within the conditions of consent. A copy of the Environmental Monitoring Program shall be forwarded to Liverpool City Council for review and approval prior to the issue of the Occupation Certificate.

d) Environmental Audit

Within twelve (12) months of the commencement of operations, and every twelve (12) months thereafter unless Liverpool City Council directs otherwise, the operator shall at its own expense commission an independent Environmental Audit of the project. This audit must:

- (a) Be carried out by a suitably qualified, experienced and independent audit team;
- (b) Be consistent with guidelines and standards relating to Principles for Environmental Auditing;
- (c) Include consultation with Liverpool City Council and the Appropriate Regulatory Authority;

- (d) Assess whether the project is complying with the approved Environmental Management Plan, conditions of both this consent and any licence issued by any other authority;
- (e) Assess whether the project is being carried out in accordance with industry best practice; and
- (f) Recommend measures or actions to improve the environmental performance of the project.

Within three months of commissioning this audit, the proponent shall submit a copy of the audit to Liverpool City Council and relevant authorities, with a response to any recommendations contained within the audit report. The operator shall comply with any reasonable requests of Council in respect to the implementation of any measures arising from the audit, within such time as Council may agree.

- e) Following each Independent Environmental Audit, the proponent shall review and if necessary revise the Environmental Management Plan (and any other plans/strategies required under this approval) to the satisfaction of Liverpool City Council. The revised Environmental Management Plan and other plans/strategies must be submitted to Liverpool City Council within three months of submitting the audit report.

f) Environmental Management Plan

The operation of the Warwick Farm Selling Centre shall comply with the approved Operational Environmental Management Plan at all times.

g) Horse, Vehicle and Garbage Bin Wash Bays, Maintenance and Storage facilities

The Warwick Farm Selling Centre shall comply with the following requirements:

- a) All horses, vehicles, garbage bins and equipment shall only be washed within the approved wash bays, the floor of which shall be graded to an internal drainage point connected to the sewer of Sydney Water in accordance with that Authority's requirements. It is prohibited to wash any horses, vehicles, garbage bins or equipment in any other areas of the premises;
- b) The external grounds of the facility are to be regularly maintained and kept free of horse excrement and other contamination;
- c) Trafficable bunds shall be installed at the entry and exits of the horse, vehicle, garbage bin and equipment wash bays;
- d) The roof covering the horse, vehicle and garbage bin wash bays and chemical storage areas shall contain an overhang of at least 10° to prevent rainwater intrusion. Uncontaminated rainwater shall be directed from the canopy and other roofed areas into stormwater drains;
- e) No motor vehicle or part of a motor vehicle or trailer that is in the custody of the business shall be left standing on any public road or footpath;
- f) A spill kit shall be provided on site at all times to clean up any minor liquid spillages; and
- g) There shall be no parts stored or worked on outside on the external areas of the premises.

- h) Trafficable bunds shall be installed at the entry and exits of the storage facilities to contain all substances and prevent the ingress of stormwater. Bunding to stockpile areas is to be to the satisfaction of Liverpool City Council.*

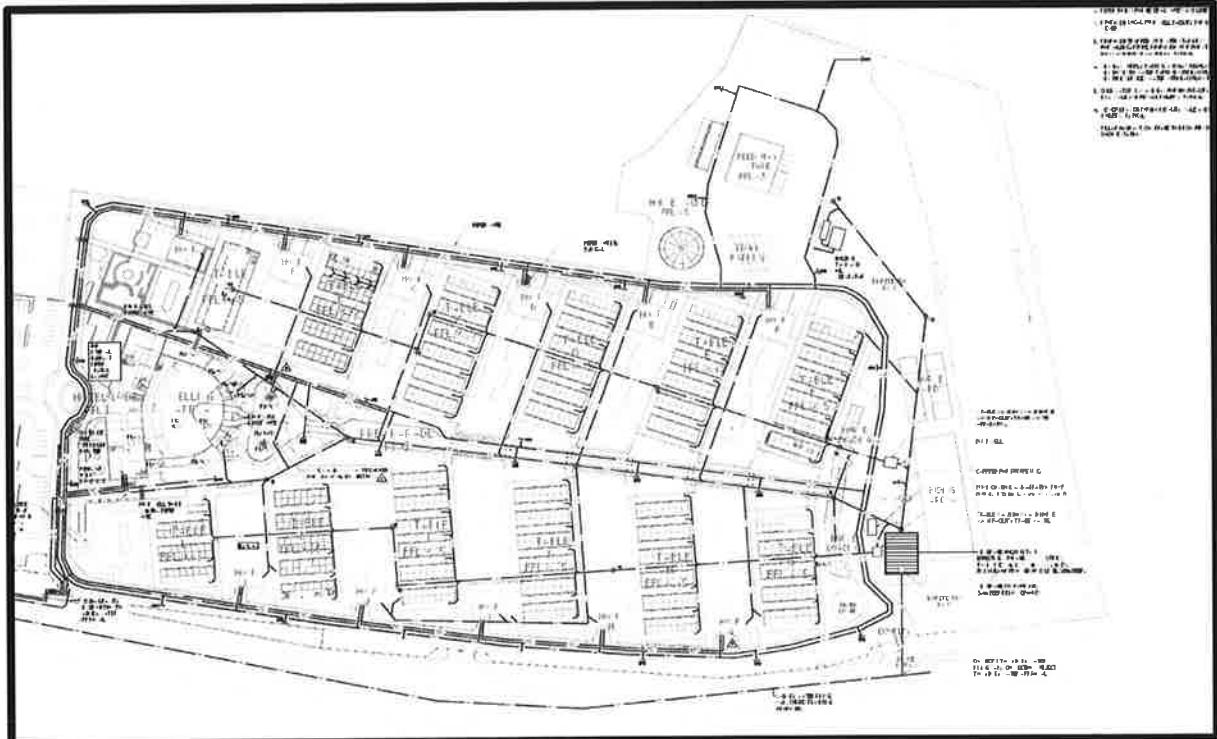


Figure 14: Detail Plan showing stable connection to Sydney Water

(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 proposal is a permitted form of development on the subject site. The proposal 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 the LDCP 2008, part 1. 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,
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
Design Excellence Panel	The application was presented to Council's Design Excellence Panel on 25 February 2016. The Design Excellence Panel provided their support for the project and raised no concerns with the application. DEP Minutes are attached to this report (Attachment 39)

(b) External Referrals

The following comments have been received from External agencies:

External Department	Status and Comments
Roads and Maritime Services	The RMS has provided an 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 January 2016 and 19 February 2016 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). During the exhibition period one submission was received. The issues raised in the submissions, and a response to each, are summarised below:

ISSUE 1: Reflectivity of hotel could affect the horses at Warwick Farm racecourse

Comment: The applicants have provided a Hotel/Auditorium Façade Treatment Report, prepared by Timothy Court and Company Architects, dated 1/05/16 (Attachment 24). In the report the following information is provided in response to reflectivity issues and the impact on the Warwick Farm racecourse;

Regarding the potential of sun reflections off the proposed development towards the Racecourse we have had our façade designers Arup P/L study the documentation to date and they have advised the following.

"It is noted in general that direct reflection are unlikely to arise from the low rise stable buildings within the development except at the very low point of sunset, however at this time the intensity of sunlight is substantially diminished and reflected glare is unlikely.

The Hotel is actually the only building that is visible from the Racecourse at angles above the horizon where vertical facades may reflect more sunlight however due to the orientation of the large facades facing east & west reflection onto the track is unlikely.

The smaller northern façade which faces the track is also unlikely to cause a problem as the sun close to the northern aspect would be reflected at high angles even during winter and would not reach far enough to be visible from the track. Low angle sunlight could only be reflected at glancing angles from the east, in winter morning hours, when façade features such as sunshading devices, window frames and recesses are likely to block most reflections.

In addition to this the faced arrangement and materiality will minimise intensity of any reflections by

- *Shading devices above every window which are angled downwards substantially blocking sunlight and limiting direct contact with glass.*
- *The corrugated cladding having the ability to diffuse direct sunlight into a series of highlights rather than reflections with these highlights looking more like a glow on the surface of the material rather than a pure reflection.*
- *The use of a zincalume finish on the cladding which will oxidise within a short period of time will form a matt layer that prevents specular reflections totally. “*

We can confirm that as CC documentation continues on the facade it is planned to carry out detailed reflection studies and any concerning reflections identified will be dealt with by specific surface treatments, glass selection and extent of shading devices.

These responses and mitigation measures to any reflectivity issues will be incorporated into the CC application.

Having regard to the above it is considered that the proposed development is unlikely to pose a detrimental impact on Warwick Farm racecourse in terms of reflectivity from the Hotel nor the adjoining selling arena.

ISSUE 2: A safer by design report should be prepared

Comment: The applicant has advised that the site will be appropriately fenced and be monitored by CCTV. Inglis will utilise permanent security surveillance on site. Moreover a condition of consent has been imposed recommending the development to comply with CPTED principles. The condition is to read as follows;

Crime Prevention Through Environmental Design

It is recommended that the following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the development. Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the PCA.

- (a) *Back to base alarm systems shall be considered;*
- (b) *Basement parking areas shall be painted a light colour;*
- (c) *CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be considered;*
- (d) *'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;*
- (e) *Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building,*

- and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting;*
- (f) Corrugated ramps should be considered to prevent skate boarding activities;*
 - (g) Glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders;*
 - (h) Any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details;*
 - (i) Access to the basement parking levels relating to the residential component of the building shall be controlled via a security controlled device.*

Having regard to the above condition and the advice from the applicant advising the premises will be under constant surveillance, the requirement for a safer by design report was not deemed necessary in this instance.

ISSUE 3: A separate DA is required for signage

Comment: No signage is included as part of this development application. Any proposed signage will require separate approval.

ISSUE 4: The development must not increase flooding

Comment: As advised previously in this report, the proposed development has been reviewed by Council's Flooding Engineers and it is considered that the proposed development that will not adversely impact flood behaviour and unlikely to adversely impact on the flood behaviour on adjacent properties.

ISSUE 5: The development must not overshadow the racecourse

Comment: Given the primary orientation of the development site, the proposed development will not cause a detrimental impact in terms of overshadowing on the Warwick Farm Racecourse.

ISSUE 6: Service vehicles should access the development via the vehicle service entry adjacent to GMD Georges River Bridge

Comment: This is considered to be onerous, as it is considered impractical for service vehicles required for the Hotel to utilise service entry closest to the bridge as this is intended to be used for the stabling precinct. It is considered more practical for the service vehicles that are servicing the Hotel to utilise the main access point off Governor Macquarie Drive.

ISSUE 7: A swept path analysis should be carried out for coach vehicles movements within the shared car park

Comment: As advised by the applicant a swept path analysis for coach vehicle movements within the shared car park are being prepared as part of a section 96 modification to the ATC consent which covers adjustments to the car park area that are required to service the Inglis development and will be included within that submission. This matter is outside the scope of consent conditions for DA-1211/2015.

ISSUE 8: Appropriate fencing and screening of the development should be agreed with the ATC for all boundaries

Comment: Fencing along boundaries are a matter covered under the Dividing Fences Act. Council has no authority over the type of boundary fencing that can be constructed.

ISSUE 9: No major events, either thoroughbred sales or other types of events should be held at the facility on ATC race day.

Comment: On major sales days the proposed development is expected to generate AM and PM peak hours – 108-139 trips per hour respectively, and the hotel and office are expected to generate 102 and 30 trips per hour respectively during the AM and PM peak periods. On major sales days the maximum car parking required for this proposal has been estimated to be approximately 520 spaces. Therefore it is considered the biggest impact on traffic and parking generated by the development will be during major sales days. As such it is considered pertinent to impose a condition prohibiting major sales days to ever run simultaneously with race days. The condition is to read as follows;

"Major Sales days are prohibited to run the same time as race days".

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

The proposed development is consistent with the zoning of the land and would represent an appropriate 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 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 to be satisfactory.
- The Development Application seeks development consent for the construction of a Warwick Farm Selling Centre, comprising of a multi-purpose selling arena, parade ring and hotel/office building with 145 hotel rooms, dining area and associated basement parking. Construction of a stabling precinct comprising of 12 open sided horse stabling buildings to accommodate 888 horse stalls. Construction of a truck parking area, storage and maintenance precinct and managers residence. at 155 Governor Macquarie Drive, Warwick Farm.
- The proposal is consistent with the objectives of the RE2 Private Recreation zone that is applicable to the site under the LLEP.
- The proposal complies with the provisions of the LDCP 2008.
- 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/Civil Plans
- 3 Statement of Environmental Effects
- 4 Surface Water Management Report prepared by SEEC
- 5 Acoustic Concept Design Report
- 6 Traffic Impact Assessment
- 7 Bushfire protection Assessment
- 8 Flood Risk Assessment Report
- 9 Landscape Master Plan Statement
- 10 Building Code of Australia Assessment Report
- 11 Fire Engineering Statement
- 12 Waste Management Plan
- 13 Heritage Impact Statement
- 14 Heritage Statement regarding the Hotel
- 15 Preliminary report to support the removal of trees
- 16 Riparian Vegetation Management Plan
- 17 Flora and Fauna Impact Assessment Report
- 18 Hydraulic and Fire Services Report
- 19 Energy Efficiency Report
- 20 Sustainability Design Brief
- 21 External Lighting Report
- 22 Electrical Services Return Brief
- 23 Hotel & Auditorium Food and Beverage Statement
- 24 Hotel/ Auditorium Façade Treatment Report
- 25 Landscaping Design Statement
- 26 Odour Impact Assessment Review
- 27 Odour Management Plan
- 28 Equine Management Plan
- 29 Operational Environmental Management Plan
- 30 Operational Environmental Management Plan (Surface Water Management)
- 31 Operational Environmental Management Plan (Sanitary Drainage, roof drainage and Trade Waste Agreement)
- 32 Voluntary Planning Agreement
- 33 Letter from ATC regarding Easement
- 34 DA-979/2015 consent
- 35 DA-1077/2015 consent
- 36 DA-1089/2011 consent
- 37 DA-1309/2011 consent
- 38 RMS In-principle approval
- 39 DEP Minutes
- 40 BASIX Certificate