

# DRAFT CONDITIONS OF CONSENT

## A. THE DEVELOPMENT

### Approved Plans

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

### Plans

Plan Name	Plan Number	Reference/revision	Date	Prepared By
Site Plan	Ad0.01A	Revision E	11.12.15	Timothy Court & Company Architects
Masterplan	Ad0.10E	Revision E	11.12.15	Timothy Court & Company Architects
Masterplan (Coloured)	Ad0.11E	Revision E	11.12.15	Timothy Court & Company Architects
Site Elevations	Ad0.20B	Revision B	11.12.15	Timothy Court & Company Architects
Roof Plan	Ad0.12A	Revision A	11.12.15	Timothy Court & Company Architects
Managers Residence	Ad6.10B	Revision B	11.12.15	Timothy Court & Company Architects
Feed/Hay Store – Plans, Elevations, Sections	Ad5.11C	Revision C	11.12.15	Timothy Court & Company Architects
Main Store – Plans, Elevations, Sections	Ad5.10B	Revision B	11.12.15	Timothy Court & Company Architects
Machinery Store & East Entry Security Zone	Ad4.10B	Revision B	11.12.15	Timothy Court & Company Architects
Samples Materials Brochure	04.6.1.01 a	N/A	1 November 2015	Timothy Court & Company Architects

Typical Hospitality Suite – Plans, Elevations, Sections	Ad3.10A	Revision A	11.12.15	Timothy Court & Company Architects
Stable B – Plans, Elevations, Sections	Ad2.20B	Revision B	11.12.15	Timothy Court & Company Architects
Typical Stables_Elevations & Sections	Ad2.11B	Revision B	11.12.15	Timothy Court & Company Architects
Typical Stable_Plans	Ad2.10B	Revision B	11.12.15	Timothy Court & Company Architects
Site Perspectives	Ad0.21	Revision A	11.12.15	Timothy Court & Company Architects
Hotel & Auditorium GA West Elevation	At1.020d	Revision D	02/05/2016	Timothy Court & Company Architects
Hotel & Auditorium GA East Elevation	At1.021d	Revision D	02/05/2016	Timothy Court & Company Architects
Hotel & Auditorium GA North Elevation	At1.022d	Revision D	02/05/2016	Timothy Court & Company Architects
Hotel & Auditorium GA South Elevation	At1.023d	Revision D	02/05/2016	Timothy Court & Company Architects
Hotel and Auditorium Elevations	Ad1.50C	Revision C	11.12.15	Timothy Court & Company Architects
Hotel and Auditorium – Roof Plan	Ad1.17C	Revision C	11.12.15	Timothy Court & Company Architects
Hotel and Auditorium – Level 8 Plan	Ad1.16E	Revision E	11.12.15	Timothy Court & Company Architects
Hotel and Auditorium – Level 3 -7 Plan	Ad1.14E	Revision E	11.12.15	Timothy Court & Company Architects
Hotel and Auditorium – Level	Ad1.13F	Revision F	11.12.15	Timothy Court &

2 Plan (Inglis Offices)				Company Architects
Hotel and Auditorium – Mezzanine Floor Plan	Ad1.12F	Revision F	11.12.15	Timothy Court & Company Architects
Hotel and Auditorium – Ground Floor Plan	Ad1.11F	Revision F	11.12.15	Timothy Court & Company Architects
Hotel and Auditorium – Lower Ground Floor	Ad1.10E	Revision E	11.12.15	Timothy Court & Company Architects
Hotel and Auditorium – Sections	Ad1.51C	Revision C	11.12.15	Timothy Court & Company Architects
GMD Signalised Intersection Op.2	8.001	N/A	N/A	Timothy Court & Company Architects
Landscape Master Plan	L01d	Revision D	10.12.15	James Pfeiffer Landscape Architects

## Reports

Report Name	Reference	Date	Prepared By
Risk Assessment Report for Proposed Inglis Sales Centre Relocation	15000193-FRA-02_DA,	10 December 2015	SEEC
Warwick Farm Inglis Planning Phase Acoustic Report	Report No. Rp 003 r02 2015408SY, Status Final Rev: r02	4 December 2015;	Marshall Day Acoustics Pty Ltd
Surface Water Management Report	SEEC Reference 15000193-SWMR-01_DA, version 02DA	10 December 2015;	SEEC)
Operational Environmental Management Plan (Sanitary Drainage, Roof Drainage and Trade Waste Management)	Ref: 150584, Revision P1	29 April 2016	Northrop Consulting Engineers
Odour Management Plan	N/A	amended 24 May 2015 (24 May	Steven Layman Consulting

		2016);	
Operational Environmental Management Plan (OEMP) (Surface Water Management) for Inglis Sales Centre, Warwick	Reference: 12000085_OEMP-01 Draft, Revision A	29 April 2016;	SEEC
Operational Environmental Management Plan (OEMP) Solid Waste Management for Warwick Farm Selling Centre	N/A	Undated	Timothy Court & Company Architects
Odour Impact Assessment and Review of Odour Management Plan	N/A	2 May 2016	Odour Unit Pty Ltd
Equine Management Plan for Warwick Farm Selling Centre	FN 4.5.1.26 EQUINE MANAGEMENT PLAN.DOCX	Undated	Timothy Court & Company Architects
Acoustic Concept Design Report	Rp 001 2015408SY	1 December 2015	Marshall Day Acoustics
Traffic Impact Assessment	211248	25 November 2015	Aurecon
Bushfire Protection Assessment	A15176	November 2015	Travers Bushfire & Ecology
Flood Risk Assessment Report	15000193-FRA-02_DA	10 December 2015	SEEC
Landscape Master Plan Statement	N/A	10 November 2015	James Pfeiffer Landscape Architects
Building Code of Australia Assessment Report	RE152879	9 December 2015	City Plan Services
Fire Engineering Statement	211248	10 December 2015	Aurecon
Waste Management Plan	N/A	11 December 2015	Steven Layman Consulting
Heritage Impact Statement	N/A	9 December 2015	Graham Brooks and Associates
Riparian Vegetation Management Plan	N/A	27 October 2015	UBM Ecological
Flora and Fauna Impact Assessment	N/A	27 October 2015	UBM Ecological

Hydraulic and Fire Services	150584	9/12/15	Northrop
Energy Efficiency Report	N/A	N/A	Northrop
Sustainability Design Brief	N/A	7/12/2015	Northrop
External Lighting Report	150584	10 November 2015	Northrop
Electrical Services Return Brief	150584	1 December 2015	Northrop
Hotel/Auditorium Façade Treatment Report	N/A	N/A	Timothy Court & Company Architects
Landscaping Design Statement	N/A	02 May 2016	James Pfeiffer Landscape Architects
Architects Statement relating to heritage design consideration of Hotel	N/A	10 December 2015	Timothy Court & Company Architects
BASIX Certificate	733039S	1 June 2016	Danien Beets

except where modified by the undermentioned conditions.

- a) The right in Access and the U-turn lane shown on approved plan named GMD Signalised Intersection Op.2, reference 8.001, does not form part of this consent as indicated in red on the approved plans.
- b) The proposed entry gate is to be located so as to not create an adverse effect on traffic flow of Governor Macquarie Drive. It is to be demonstrated by a suitably qualified traffic engineer that the location of the proposed entry gate will not detrimentally effect the traffic flow of Governor Macquarie Drive. A plan indicating the final location of the entry gate is to be submitted to Council's Manager Development Engineering for approval.
- c) The roundabouts indicated on the approved plans do not form part of the development consent.

### **General Terms of Approval**

2. All General Terms of Approval issued by the Department of Primary Industries Water, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 27 May 2016 A copy of the General Terms of Approval are attached to this decision notice.
3. All General Terms of Approval issued by the NSW Rural Fire Service, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval dated 24 May 2016 A copy of the General Terms of Approval are attached to this decision notice.

#### **Works at no cost to Council**

4. All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.

#### **Voluntary Planning Agreement**

5. The development shall be undertaken in accordance with any applicable terms and conditions of the Voluntary Planning Agreement executed by Australian Turf Club Limited and Liverpool City Council (Document No. 65 35 4369 JRT) or any subsequent amendments to the abovementioned Voluntary Planning Agreement.

#### **Signage**

6. No signage has been approved as part of this development consent. Any signage will be subject to a separate approval.

#### **Overlap of Sales Days and Race Meetings**

7. Sales days at the subject site are not permitted to run at the same time as any race day meeting to be held at Warwick Farm Racecourse.

#### **Other Events**

8. A separate approval is required for any events that are to be held at the site that are not related to the primary use approved under this development consent, inclusive of and stock a sales yard or the hotel.

## **B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

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

#### **Provision of Services**

9. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the "building and developing" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 13 20 92.

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

10. Written clearance from Integral Energy, stating that electrical services have been made available to the development or that arrangements have been

entered into for the provision of services to the development must be submitted to the PCA.

11. Certification from an approved telecommunications carrier shall be submitted to Council confirming that satisfactory arrangements have been made to ensure the provision of underground telephone services to the approved development.

### **Fee Payments**

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

The following fees are applicable and payable:

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

These fees are reviewed annually and will be calculated accordingly.

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

### **Site Development Work**

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

### **Notification**

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

- (b) The name and permit of the owner-builder who intends to do the work.

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

### **Fire Safety Measures**

- 17. A schedule specifying all of the essential fire safety services, both existing and proposed, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.
- 18. The schedule must distinguish between the measures that are currently implemented in the building premises; and
  - (a) The measures that are to be proposed to be implemented in the building premises; and
  - (b) The minimum standard of performance for each measure.

### **Crime Prevention Through Environmental Design**

- 19. 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.

### **Traffic**

- 20. The Traffic Management Plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be submitted to the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be



available on the work site for inspection at any time by an authorised Council officer.

21. A Work Authorisation Deed is to be signed off by the RMS for the construction of the traffic control signals.

#### **Recommendations of Acoustic Report**

22. The recommendations provided in the approved acoustic report, prepared by Marshall Day Acoustics, reference Rp 001 2015408SY, dated 1 December 2015 shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

#### **Retaining Walls on Boundary**

23. All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

#### **S138 Roads Act – roadworks requiring approval of civil drawings**

24. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council (being the Roads Authority under the Roads Act), for the construction of a left-turn slip lane and service entry road in Governor Macquarie Drive.

Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

Note:

1. Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

#### **Road Safety Audit**

25. A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the Construction Certificate or Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.

### **Stormwater Discharge – Minor Development**

26. Stormwater drainage from the site shall be discharged to the:

- a) Street drainage system
- b) Common drainage line
- c) Liverpool City Council's trunk drainage system within the property
- d) Existing site drainage system
- e) Level spreader system
- f) Other

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

### **Stormwater Concept Plan**

27. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by SEEC, reference number DA01 & DA02, revision 00, dated 10/12/15.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

### **Water Quality**

28. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

A MUSIC model shall be submitted to the PCA for review and approval ensuring that the design meets the pollutant retention criteria as prescribed in Council's DCP.

The Construction Certificate must be supported by:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

### **Access, Car Parking and Manoeuvring – General**

29. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

### **Performance Bond**

30. Prior to the issue of any Construction Certificate a performance bond is to be lodged with Liverpool City Council for Left Turn Slip Lane and access driveway construction on Governor Macquarie Drive.

The value of the bond shall be determined in accordance with Liverpool City Council's Bond Policy at the time of payment. The bond will be administered in accordance with this policy.

Note:

Contact Council's **Land Development Section** for further information relating to bond requirements.

### **Detailed Specifications**

31. Detailed specifications, floor and section plans for the horse, vehicle, garbage bin and equipment wash bays, maintenance and storage facilities shall be submitted to Liverpool City Council for review and approval prior to the issue of any Construction Certificate. The plans to be submitted with the application for the Construction Certificate shall include the following:
- Trafficable bunds installed at the entry and exits of the horse, vehicle, garbage bin and equipment wash bays, maintenance and storage facilities;
  - The roof covering the horse, vehicle, garbage bin and equipment wash bays, maintenance and material/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;
  - The location of spill kits, stormwater pits and stormwater drainage infrastructure; and
  - The location of the oil/water separator or pre-treatment device for the horse, vehicle, garbage bin and equipment wash bays and maintenance/storage facilities and their connection to Sydney Water's sewer in accordance with a Trade Waste Agreement.

### **Construction Environmental Management Plan**

32. Prior to the issue of a Construction Certificate, a Construction Environmental Management Plan shall be prepared by a suitably qualified person. The plan is to determine and outline procedures to ensure all conditions contained within the consent (relating to construction works) and recommendations of referenced reports are adhered to at all times during construction.

Suitable management and control measures are also to be included within the Plan to ensure that there are no adverse impacts on environmentally significant land. These measures are to include but not be limited to:

- a) The final location of security fencing and vehicular access during construction;
- b) Materials to be imported to the site during construction;
- c) Stockpiling of materials and equipment; and
- d) Sediment and erosion control.

A copy of the plan is to be forwarded to Council prior to the issue of the Construction Certificate.

### **Mechanical Plant and Equipment**

33. The public address system, mechanical plant and equipment shall be selected in consultation with a suitably qualified and experienced acoustic consultant in accordance with the recommendations of 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.

### **Traffic**

34. Concept design plans for the two signalised intersections of Governor Macquarie Drive as required to be constructed under the terms the Voluntary Planning Agreement executed by Australian Turf Club Limited and Liverpool City Council (Document No. 65 35 4369 JRT) or any subsequent amendments to the abovementioned Voluntary Planning Agreement are to be submitted to Council and RMS for approval prior to the issue of any Construction Certificate. Any cost associated with the upgrade to a signalised intersection is to be borne by the developer.
35. U turns are prohibited from the entry of the subject site at the intersection of the subject site and Governor Macquarie Drive.
36. A concept design of the proposed 832 car parking spaces and the access arrangements, demonstrating that it conforms with AS: 2890.1, A.S. 2890.2, A.S. 2890.6, AUSTROADS Guide and the DCP, is to be submitted to Traffic and Transport Section for review and approval.
37. A concept design of the internal road system is to be submitted for review and approval by Council's Manager of Development Engineering. This design is to include an analysis of efficient entering and exiting traffic movements through both signalised intersections. The design to show the turning paths of the longest vehicles expected to service the development.

38. The development is to include appropriate street lighting along the proposed private access road within the development to comply with Australian Standard 1158.
39. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council and the RMS for approval prior to the issue of a Construction Certificate.

### **Flooding**

40. There shall be no net loss of floodplain storage volume below the 1% AEP flood. The flood storage compensatory works shall be carried out as indicated in the Flood Risk Assessment Report for Proposed Inglis Sales Centre Relocation, Warwick Farm by Strategic Environmental and Engineering Consulting (SEEC), ref: 15000193-FRA-02\_DA, dated 10 December 2015. Drawings showing the location of flood compensatory works including cut and fill volume calculations shall be submitted for Council's review and approval. The developer shall also submit consent from relevant authority, if required to carry out the flood storage compensatory works.
41. The lowest habitable floor level shall be no less than the 1% AEP flood plus half a metre freeboard.
42. Non habitable floor levels shall be no less than the 5% AEP flood.
43. All structures shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard.
44. An Engineer's report shall be required to certify that the structure can withstand the forces of floodwater including debris and buoyancy up to and including a 1% AEP flood plus half a metre freeboard.
45. The level of the car parking and garage shall be no less than the 5% AEP flood.
46. Reliable access for pedestrians or vehicles shall be provided from the lowest habitable floor level to a location above the Probable Maximum Flood.
47. The development shall be consistent with any relevant flood evacuation strategy or similar plan.
48. Fencing within 1% AEP flood extent shall be limited to permeable open type fences.
49. Fencing within 1% AEP flood extent shall be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding.
50. Fencing within 1% AEP flood extent shall be constructed to withstand the force of floodwaters or collapse in a controlled manner so as not to obstruct the flow of water, become unsafe during times of flood or become moving debris.
51. Onsite water quality treatment facilities shall be incorporated as indicated in Surface Water Management Report for Proposed Inglis Sales Centre

Relocation, Warwick Farm by SEEC (ref: 15000193-SWMR-01\_DA, dated: 10 December 2015). Detailed design and drawings of water quality treatment facilities shall be submitted for Council's review and approval.

#### **Front Fence**

52. A decorative fence at a maximum height of 2.1m is to be provided along the Governor Manquarie Drive frontage. The fence is to be complemented with dense landscaping. Details are to be submitted and approved by Council prior to the issue of a Construction Certificate. The decorative fence is to complement the proposed development.

### **C. PRIOR TO WORKS COMMENCING**

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

#### **Construction Certificates**

53. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

#### **Notification/Principal Certifying Authority**

54. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
55. The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.
56. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:
  - (a) Any excavation, below the base of the footings of a building on an adjoining allotment of land.
  - (b) The notice shall be given seven (7) days prior to the commencement of work.
57. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) where necessary, underpin the adjoining premises to prevent any such damage.

### **Facilities**

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

Each toilet must:

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

### **Construction Requirements**

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

### **Site Facilities**

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

### **Site Notice Board**

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

### **Hoarding**

64. A construction hoarding of class **B** must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area:

This applies, as follows:

- (a) If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or
- (b) If craning of materials is to occur across a public area or road reserve area.

Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

### **Notification of Service Providers**

65. The approved development must be approved through the 'Sydney Water Tap in' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for more information.

### **Food Premises Requirements**

66. Prior to the issue of Construction Certificate plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by the PCA:
- (a) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all preparation, storage areas and cool rooms shall comply with (AS4674-2004, Design, construction and fit-out of food premises) the Food Act 2003 and Regulations thereunder.

### **Waste Classification**

67. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act 1997, POEO Waste Regulation 2014 and NSW EPA 'Waste Classification Guideline' (dated November 2014) The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non-liquid waste advice should be sought from the DECCW (EPA).



### **Environmental Management**

68. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- (a) Siltation fencing;
  - (b) Protection of the public stormwater system; and
  - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

### **Sediment & Erosion Control**

69. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

### **Traffic Control Plan**

70. Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

1. A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

### **Dilapidation report**

71. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Governor Macquarie Drive is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 50m either side of the development.

## **D. DURING CONSTRUCTION**

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

### **Building Work**

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

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

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

### **Identification Survey Report**

73. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

### **Hours of Construction Work and Deliveries**

74. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm on Saturday. No work is permitted on Sundays or Public Holidays;

### **Security Fence**

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

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

### **Pool Area Design of the hotel**

76. The rails of any timber paling boundary fencing are to comply with AS 1926.

### **Disabled Access**

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

### **General Site Works**

78. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
79. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
80. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
81. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
82. All dangerous and/ or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of at a licensed waste facility to receive the waste in accordance with NSW EPA requirements. Waste receipts and the "WasteLocate" consignment number shall be provided to the certifying authority confirming that the waste is disposed of in a lawful manner. Note; Waste loads can be tracked via <https://wastelocate.epa.nsw.gov.au/> to ensure waste has reached its intended destination. If the waste load is not delivered, please contact the EPA.

### **Car Parking Areas**

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

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

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

84. Directional signage indicating the location of customer parking, "in" and "out" crossings and directional arrows are to be provided in accordance with the approved plans.

### **Traffic Management**

85. All works within the road reserve are to be at the applicant's cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
86. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
87. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
88. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

### **Waste Management Plan**

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

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

### **Vegetation**

90. No trees are to be removed without the prior approval of Council.
91. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.
92. Any works or activities shall adhere to the recommendations outlined in the approved Flora and Fauna Report prepared for the site.
93. A monitoring report on the progress of the Vegetation Management Plan's implementation shall be prepared and submitted to Council upon completion of the primary planting and then at six monthly intervals until the end of the two year maintenance period. A final report shall also be submitted upon completion of the maintenance period.

94. Clearing of bushland in addition to any clearing approved for this development application, whether it be removal of trees, groundcover or understorey, requires development consent.
95. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
96. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
97. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

#### **Landscaping Works**

98. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
99. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.

#### **External**

100. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
101. The plant associated with any air conditioning system is to be located a minimum of 3 metres from any property boundary, to the satisfaction of the PCA.

#### **Contamination**

102. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
103. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
  - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW EPA Waste Classification Guidelines (dated November 2014), or
  - (b) clearly indicate the legal property description of the fill material source site;
  - (c) provide a classification of the fill material to be imported to the site in accordance with the NSW EPA Waste Classification Guidelines (dated November 2014).
  - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and

- (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

### **Site Remediation Works**

- 104. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

### **Air Quality**

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

### **Erosion Control**

- 110. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
- 111. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- 112. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
- 113. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto

adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

#### **Water Quality**

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

#### **Pollution Control**

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

#### **Ventilation**

117. The premises shall be ventilated in accordance with the requirements of the (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2)
118. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

#### **Food Premises**

119. The construction, fitout and finishes of the premises shall comply with the AS 4674, Food Act 2003 and Regulations thereunder, and the requirements of attachment 2.

#### **Erosion and sediment control**

120. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

#### **Construction Environmental Management Plan**

121. The Construction Environmental Management Plan shall be complied with at all times during construction of the Warwick Farm Selling Centre.

### **Interim Construction Noise Guideline**

122. All construction works shall be undertaken in accordance with the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009.

### **Traffic**

123. Once approved, the traffic control signals are to be constructed in accordance with Works Authorisation Deed to RMS and to Council satisfaction.
124. A Notice must be given to Council's Traffic and Transport Planning Section for any interruption to pedestrian or vehicular traffic within the road reserve caused by the construction of this development.
125. An approved Traffic Control Plan is to be implemented to Council's satisfaction. This includes and temporary closures for delivery of materials, concrete pours etc.

## **E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

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

### **Certificates**

126. The premises must not be utilised until an OC is issued by the PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
127. All required Compliances Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.
128. A final fire or interim safety certificate is to be attached to any OC, except in the case of a Class 1a or Class 10 building(s). This must include all the "essential fire services" installed in the building.
129. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.

### **Display of Street Numbers**

130. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the Local Government Act 1973, Section 124(8). The number should be a minimum height of 120mm and be visible at night.

### **Smoke Alarms**

131. Should the construction of the development (bulkheads etc) reveal that the smoke detectors cannot operate effectively, additional smoke detectors may be



required to be installed in order that the detectors effectively protect the occupants of the building in accordance with the provisions of National Construction Code Part 3.7.2.

#### **BASIX for Managers Residence**

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

#### **Landscaping**

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

#### **Recommendations of Acoustic Report**

134. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:
- (a) Certification is to be obtained from a qualified acoustic consultant certifying that the development has been constructed to meet the noise criteria in accordance with the approved acoustic report prepared by Marshall Day Acoustics, reference Rp 001 2015408SY, dated 1 December 2015 and that all recommendations have been adopted.

#### **Lot Registration/Dedication**

135. All separate lots must be consolidated. The OC cannot be issued until the plan of consolidation has been registered as a deposited plan by the LPI Service.

#### **Air Conditioners**

136. All air handling, evaporative cooling, humidifying, warm water and water cooling systems installed on the premises shall comply with the Public Health Act 2010, Public Health Regulation 2012 and AS/NZS 3666:2011-Air Handling and water systems of building - Microbial Control:
- (a) All water cooling and warm water systems shall be designed, constructed and installed in accordance with AS 3666.1:1995, the Public Health Act 2010 and Public Health Regulation 2012 before being commissioned.
  - (b) All cooling towers and warm water systems shall be operated and maintained in accordance with AS 3666.2:1995, (or AS 3666.3:2000 subject to prior notification to Council) the Public Health Act 2010, Public Health Regulation 2012.
  - (c) A true copy of the annual certificate as stipulated in Clause 9(2) of the Public Health (Microbial) Regulation 2012 that certifies the effectiveness of the process of disinfection used for the water cooling system, shall be submitted to Council prior to the period ending 30 June each year.

- (d) The owner or occupier of the building shall be advised of the need to register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the Public Health Act, 2010 and Regulation thereunder. Registration forms are available from Council.

#### **Vegetation Maintenance Period**

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

#### **Food Premises**

- 138. Council's Community Standards section shall be notified in writing that the premises will be used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's database.
- 139. Trading shall not commence until an OC has been issued by the PCA.
- 140. A Trade Waste application shall be submitted and approved by the Sydney Water Corporation regarding the installation of proposed pre treatment equipment, eg basket and grease arrestors. A copy of the plumber's certificate of compliance for the installation of pre-treatment equipment, and of the Trade Waste Agreement, shall be furnished to the PCA.
- 141. Certificates of design compliance and system performance for the proposed mechanical ventilation system shall be provided to the PCA, certifying the design, and upon commissioning of the mechanical ventilation system(s), certifying performance. The certificate of performance shall be issued to the certifying authority and be accompanied by details of the test carried out in respect of: -
  - (a) Ventilation
  - (b) Acoustics
- 142. All waste water, chemicals, solvents, oils, fluids or the like shall not be discharged into Council's stormwater drain or creeks. All liquid waste shall be discharged into the sewer in accordance with Sydney Water requirements. A copy of the Trade Waste Agreement shall be submitted to the PCA.

#### **Liverpool City Council clearance – Roads Act/ Local Government Act**

- 143. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

#### **Works as executed – General**

- 144. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying

Authority in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

#### **Stormwater Compliance**

145. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

a) Stormwater pre-treatment system/s

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

#### **Restriction as to User and Positive Covenant**

146. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

a) Stormwater pre-treatment system/s

b) Establish a formal easement for the development to occupy the ATC car park. The easement is not to be extinguished without Council's notification and approval.

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

#### **Rectification of Damage**

147. Prior to the issue of an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within Governor Macquarie Drive will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

### **Linemarking & Signage**

148. Prior to the issue of an Occupation Certificate, and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Liverpool City Council and approved by the Local Traffic Committee.

1. Allow eight (8) weeks for approval by the Local Traffic Committee.

### **Maintenance Bond**

149. Prior to the issue of an Occupation Certificate a maintenance bond is to be lodged with Liverpool City Council for Roadworks within Governor Macquarie Drive.

The value of the bond shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

### **Dilapidation Report**

150. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

### **Traffic**

151. An Operational Traffic Management Plan (OTMP) detailing vehicle routes, number of vehicles, hours of operation, access arrangements and traffic control indicating that there will be no conflict between sales and race days, is to be submitted to Council and the RMS for determination.
152. Governor Macquarie Drive widening to four lanes as contained in the VPA for the ATC rezoning are to be completed prior to occupation.
153. Two approved traffic control signals providing access to this development site are to be constructed to RMS and Council's satisfaction. Any cost associated with the upgrade to a signalised intersection is to be borne by the developer.

### **Flooding**

154. An evacuation plan shall be developed and maintained, including suitable warning systems, signage and exits, to ensure the safe evacuation of people during floods up to and including the Probable Maximum Flood. The Evacuation Plan is to be prepared by a suitably qualified engineer and submitted to the PCA prior to the issue of an Occupation Certificate.

### **Voluntary Planning Agreement**

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

## **G. CONDITIONS RELATING TO USE**

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

### **Waste**

156. All solid and liquid waste is to be removed from the site by a registered waste contractor. A record of receipts shall be kept and maintained up to date at all times. Records are to be made available to Council's Officers, upon request.
157. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste. A record of receipts shall be kept and maintained up to date at all times. Records are to be made available to Council's Officers, upon request.
158. All solid waste stored on site is to be covered at all times.

### **Waste Storage Area**

159. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
160. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
161. Any bin bays must be:
  - a) Provided with mechanical ventilation;
  - b) Provided with a hose cock for hosing the garbage bin bay and a sewerage drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
  - c) Provided with sufficient light to permit usage at night;
  - d) Allocated with sufficient space within the bin bay to allow for access to all required bins as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
  - e) Garbage is to be placed wholly within the garbage bins provided; and
  - f) The area is to be kept tidy.

### **Car Parking/Loading**

162. Within the development site the following number of off-street car parking spaces must be provided:
  - a) 21 Spaces within the Hotel Basement
  - b) 70 spaces in total adjacent to the stables
  - c) 7 spaces south of the managers residence
  - d) 2 covered car spaces within the double garage at the managers residence.

- e) 4 spaces adjacent to the feed/hay store
- f) 8 truck parking spaces adjacent to the horse walker.

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

#### **Hours of Operation**

166. The hours of operation of the premises are limited to:

##### **Hotel**

24 Hours a day 7 days a week

##### **Two Weeks Prior to Sales Days and Sales Days**

6:30am to 6:30pm – Seven days a week

##### **General Office/Administration**

8:00am to 6:00pm Monday to Friday

The premises may operate on Public Holidays between the hours specified for Sundays.

##### **Delivery hours and vehicles**

167. Delivery and service vehicles generated by the development are limited to:

##### **Two Weeks Prior to Sales Days and Sales Days**

24 Hours a day 7 days a week

##### **General Hotel/Office Administration**

8:00am to 6:00pm Monday to Friday

##### **Hotel Restaurant Maximum Occupancy**

168. The maximum occupancy of the hotel restaurant must not exceed 500 patrons at any one time.

##### **Noise**

169. Any alarm installed on the site is to be “silent back to base” type.

170. The use of the premises including music and other activities shall not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) During the period of 12 midnight to 7.00a.m. the use shall be inaudible in any habitable room of any residential premises.
- (d) The emission of an "offensive noise" as defined under the POEO Act 1997.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

171. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00a.m to 10.00p.m daily and 0dB(A) above the L90 background between 10.00pm and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) The emission of an "offensive noise" as defined under the POEO Act 1997.

The method of measurement of vibration in (a) and sound levels in (b) and (c) shall be carried out in accordance with AS 2973 for vibration measurements, AS1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

### **Environment**

172. The use of the premises shall operate in accordance with the Protection of the Environment Operations Act 1997. All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of

land and/or water as defined under the Protection of the Environment Operation Act 1997.

### **Landscaping**

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

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

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

### **Vegetation Maintenance Period**

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

### **Pool Area Design**

175. The swimming pool shall be fenced in accordance with the provisions of AS1926, prior to the pool being filled with water.
176. All drainage and pool wastes to be discharged in accordance with AS 3500.0

### **Food Premises**

177. The use of charcoal for the purposes of heating, cooking or smoking food on the premises is strictly prohibited. Such works shall be carried out by obtaining separate Development Consent from Liverpool City Council.
178. No burning of any materials shall be carried out on site.

### **Operational Environmental Management Plan**

179. 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.

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.

#### **Environmental Monitoring Program**

180. 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.

#### **Environmental Audit**

181. 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.

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.

### **Acoustic Report**

182. 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.

### **Field Ambient Odour Assessment**

183. 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.

#### **Environmental Management Plan**

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

#### **Use of the Premises**

185. The use of the premises shall not give rise to 'offensive noise' as defined under the Protection of the Environment Operations Act 1997.

#### **Lighting**

186. Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.
187. The development shall be designed, constructed, operated and maintained in a manner that minimises air quality impacts including odour and dust emissions from the site.

#### **No Panel Beating/Spray Painting (Truck Storage Area)**

188. The subject premises has not been approved for panel beating or spray-painting. It is prohibited to undertake such activities without separate written development consent being obtained from Council.

#### **Horse, Vehicle and Garbage Bin Wash Bays, Maintenance and Storage facilities**

189. 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.

#### **Trafficable Bunds**

190. 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.

#### **Waste Receipts**

191. A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record is to be made available to Council's Officers upon request.

#### **Loading and Unloading**

192. The unloading and loading of all horses, goods and materials used in conjunction with the development must take place only on the subject site.

#### **Wheel Cleaning**

193. The wheels of all vehicles leaving the site are to be clean and free of dust, dirt and mud.

#### **Plant Equipment**

194. The proponent of the development is to ensure that all plant and equipment used at the site is:
- a) maintained in a proper and efficient condition; and
  - b) operated in a proper and efficient condition.

#### **Storage of Material**

195. All materials including but not limited to animal feed and bedding are to be stored undercover within the confines of the building. No potentially contaminating materials or equipment are permitted to be stored in the external areas of the premises.

### **Sales Days**

196. Sales are only permitted at the subject premises between 11.00am and 5.00pm. A maximum number of two (2) major sales and four (4) minor sales shall be conducted at the Warwick Farm Selling Centre annually.

### **Maximum Number of Horses**

197. The maximum number of horses at the premises is limited to 888 at any one time.

### **Swimming Pool**

198. The public swimming pool and spa shall be operated in accordance with the Public Health Act 2010 and Public Health Regulation 2012.

### **Complaints Handling Register**

199. A Complaints Handling Register shall be prepared for the operation of the Warwick Farm Selling Centre. The Complaints Register is to be kept by the operator or other suitable staff members and is to include the following:

- (a) the date and time, where relevant, of the complaint;
- (b) the means by which the complaint was made (telephone, mail or email);
- (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) any action(s) taken in response to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken in relation to the complaint, the reason(s) why no action was taken.
- (g) allocate an individual "complaint number" to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council.

### **Deliveries**

200. Vehicles servicing the site shall comply with the following requirements:
- a. All vehicular entries and exits shall be made in a forward direction.
  - b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.

### **Unreasonable Noise and Vibration**

201. The industry, including but not limited to the operation of vehicles, mechanical plant and equipment, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance, particularly from machinery, plant, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustic consultant and submit

the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements to Liverpool City Council's satisfaction.

### **Odour Complaint**

202. An odour impact assessment shall be submitted to Council if any complaints are received to Council in relation to the emissions generated as a result of the Warwick Farm Selling Centre. The report must be prepared by a suitably qualified air quality consultant and include modelling of the odour impact on the nearest affected receptor (eg. residents/property occupants). Any recommendations resulting from the report are to be in accordance with AS/NZS 1668.1 - 2015 and AS 1668.2 – 2012, as well as the Department of Environment & Conservation (now known as the NSW Environment Protection Authority) Technical Framework- Assessments and Management of Odour from Stationary Sources in NSW (November 2006).

### **Air Pollution**

203. All activities and operations shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the Protection of the Environment Operations Act 1997.

### **Bunding**

204. All work and storage areas where spillage may occur shall be bunded. The capacity of the bunded area shall be calculated as being equal to 110% of the largest storage or process vessel/container in the area or 10% of the total volume of vessels/containers accommodated in the area, whichever is the greater.

All bunded areas shall be graded to a blind sump or sewer in accordance with Sydney Water's requirements to facilitate collection and disposal of wastewater. All bunded areas shall be suitably treated to prevent ingress of stormwater.

### **Dust**

205. The Warwick Farm Selling Centre must be maintained in a condition which prevents the emission of dust from the premises including:
- a) All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises;
  - b) All areas must be maintained, at all times, in a condition which effectively minimises the emission of wind-blown or traffic-generated dust;
  - c) The applicant must ensure that no material, including sediment is tracked on the public road from the premises; and
  - d) Trucks entering and leaving the premises that are carrying loads must be covered at all times except during loading and unloading.

### **Waste and Recyclable Material**

206. Waste and recyclable material generated from the operations of the business shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. Food residues, food scraps, and waste

material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the allocated waste storage bins.

#### **Garbage Disposal**

207. The operator shall provide an adequate garbage disposal and collection service and ensure that rubbish is regularly removed from the site.

#### **Removal Of Waste**

208. All waste material is to be removed from the site by a registered waste contractor and disposed at a facility licensed to receive such waste.

#### **Registration of Premises**

209. The premises shall be registered with Council prior to the commencement of business. In this regard, Council's Health Business registration Application Form shall be completed and returned to Council for processing.

#### **Inspection Fee**

210. Council's Environmental Health Officers will carry out routine inspections of the premises under the Food Act 2003 and Public Health Act 2010. Administration and inspection fees will be charged in accordance with Council's Pricing Policy and approved fees and charges.

#### **Traffic**

211. The internal road, car parking signs and line markings are to be maintained to Council's satisfaction.
212. The approved Operational traffic Management Plan is to be implemented prior to the use of the premises commencing.

#### **Flooding**

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

## H. ADVISORY

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within six months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97AA of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.
- d) In accordance with Section 98 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- e) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- f) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- g) Prior to completion of the pool, the owner of the premises is requested to attend an approved Cardio Pulmonary Resuscitation Course.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- i) "DIAL BEFORE YOU DIG" DIAL 1100

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.



j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- k) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- l) You are advised that the placement of a concrete path around your home may render your home vulnerable to termite attack. To minimise the possibility of any damage, ensure that a minimum of 75mm clearance is provided between the base of the weephole and the level of the path.
- m) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- n) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- o) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- p) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

## ATTACHMENT 2

### Food Premises – Restaurant/Take-Away/Bakery

1. All walls (including partition walls) within the kitchen, food preparation, storage and display areas shall be of solid construction (eg., bricks, cement or other approved material). These walls are to be finished with glazed tiles, stainless steel or other approved material adhered directly to the wall to a height of 2 metres above floor level.
2. Walls within the kitchen, food preparation, storage and display areas which are not of solid construction (eg., stud walls) shall be finished in tiles or other approved material from the floor level to the underside of the ceiling.
3. The floors within the kitchen, food preparation, storage and display areas shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. The floor is to be graded and drain to an appropriate floor waste fitted with a basket arrestor.
4. If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles shall be of a material that is non-absorbent and impervious to moisture.
5. The intersection of walls with floors and exposed plinths in the kitchen, food preparation, storage and display areas are to be coved to a minimum radius of 25mm.
6. All plinths are to be constructed of a material which is of solid construction and impervious to moisture. The plinths shall be:
  - (a) at least 75mm high;
  - (b) finished level to a smooth even surface;
  - (c) recessed under fittings to provide a toe space of not more than 50mm;
  - (d) rounded at exposed edges; and
  - (e) coved at the intersection of the floor and wall to a minimum radius of 25mm.
7. The ceiling is to be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The surface finish is to be free of open joints, cracks, crevices or openings (drop ceiling panel is not permitted). The intersections of walls and the ceiling are to be tight jointed, sealed and dust-proof.
8. The drop-in panel ceiling in the food preparation and storage areas shall be replaced with an approved rigid, smooth faced and impervious material which is free of open joints, cracks, crevices or openings. The ceiling is to be painted with a light coloured washable paint.

9. All service pipes and electrical conduits shall be either:
  - (a) concealed in floors, walls, ceiling or concrete plinths, or
  - (b) fixed with brackets so as to provide at least
    - i) 25mm clearance between the wall and the pipe/conduit; &
    - ii) 100mm between the floor and the pipe/conduit
  - (c) pipes so installed are not to run underneath fittings.
10. All architraves, skirting boards, picture rails and the like are not permitted within the kitchen, food preparation and storage areas.
11. All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through are to be designed and constructed so as to prevent the access of vermin.
12. The internal and external surfaces, including exposed edges to all benches, counters and shelving in the food preparation, storage, display and serving areas are to be finished with a rigid, smooth faced and non-absorbent material (eg laminate, stainless steel or other approved material) that is capable of being easily cleaned.
13. All shelving shall be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. NOTE: The lowest shelf shall be a minimum of at least 150mm above the floor level.
14. The hot water service unit shall be positioned a minimum of 75mm clear of the adjacent wall surface and mounted a minimum of 150mm above the floor level on a stand of non-corrosive metal construction.
15. A free standing, hands free hand wash basin shall be provided in a convenient position within the food preparation and serving areas. The hand wash basin shall be provided with hot and cold water supplied through a single outlet and fitted with an approved mixing device to enable hands to be washed under hot running water at a temperature of at least 40C.
16. Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage of vermin are not permitted to be formed in the construction of the premises or in the installation of fixtures, fittings and equipment.
17. A double bowl sink or two-compartment tub shall be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least:
  - (a) 45C in one bowl for washing purposes; and
  - (b) 77C in the other bowl for rinsing purposes, together with a thermometer accurate to 10C.

## **ATTACHMENT 3: GTA's DPI WATER**



**Department of  
Primary Industries  
Water**

Contact: Mohammed Ismail  
Phone: 02 8838 7535  
Fax: 02 9895 7501  
Email: [mohammed.ismail@dpi.nsw.gov.au](mailto:mohammed.ismail@dpi.nsw.gov.au)  
Our ref: 10 ERM2015/1279  
Our file: 9055549  
Your ref: DA2015/1211

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

Attention: George Nehme

27 May 2016

Dear George

**Re: Integrated Development Referral – General Terms of Approval  
Dev Ref: DA2015/1211**

**Description of proposed activity: Construction of warwick Farm as per DA  
Site location: 155 Governor Macquarie Drive Warwick Farm**

I refer to your recent letter regarding an Integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

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

If Council approves the proposed development, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

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

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

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

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

Application forms for the controlled activity approval are available from the undersigned or DPI Water's website:


[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

[Water licensing](#) » [Approvals](#) » Controlled activities

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

DPI Water also requests that Council provide DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



**Mohammed Ismail**  
**Water Regulation Officer**  
**Water Regulatory Operations, Water Regulation Unit**  
**NSW Department of Primary Industries – DPI Water**

# General Terms of Approval

for work requiring a controlled activity approval  
under s91 of the *Water Management Act 2000*

<b>Number</b>	<b>Condition</b>	<b>File No: 9055549</b>
Site Address:	155 Governor Macquarie Drive Warwick Farm	
DA Number:	DA2015/1211	
LGA:	Liverpool City Council	
<b>Plans, standards and guidelines</b>		
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2015/1211 and provided by Council.</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.</p>	
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>	
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none"> <li>(i) Vegetation Management Plan</li> <li>(ii) Erosion and Sediment Control Plan</li> <li>(iii) Soil and Water Management Plan</li> </ul>	
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals">www.water.nsw.gov.au/ Water-Licensing/Approvals</a>.</p> <ul style="list-style-type: none"> <li>(i) Vegetation Management Plans</li> <li>(ii) Riparian Corridors</li> <li>(iii) Outlet structures</li> </ul>	
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.</p>	
<b>Rehabilitation and maintenance</b>		
6	<p>The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.</p>	
7	<p>The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.</p>	
<b>Reporting requirements</b>		
8	<p>The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.</p>	

Number	Condition	File No: 9055549
<b>Access-ways</b>		
9	The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by DPI Water.	
10	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.	
<b>Disposal</b>		
11	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.	
<b>Drainage and Stormwater</b>		
12	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.	
<b>Erosion control</b>		
13	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.	
<b>Excavation</b>		
14	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.	
<b>River bed and bank protection</b>		
15	The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width of width metres measured horizontally landward from the highest bank of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by DPI Water.	
16	The consent holder must establish a riparian corridor along Georges River in accordance with a plan approved by DPI Water.	
<b>Groundwater</b>		
17	The consent holder must ensure that any construction below ground level does not result in the need for permanent dewatering, other than in accordance with licence conditions approved by DPI Water.	
<b>END OF CONDITIONS</b>		



## **ATTACHMENT 4: GTA's RFS**

*All communications to be addressed to:*

Headquarters  
15 Carter Street  
Lidcombe NSW 2141

Telephone: 1300 NSW RFS  
e-mail: [csc@rfs.nsw.gov.au](mailto:csc@rfs.nsw.gov.au)

Headquarters  
Locked Bag 17  
Granville NSW 2142

Facsimile: 8741 5433



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

Your Ref: DA-1211/2015  
Our Ref: D16/0178  
DA16011800338 CC

**ATTENTION:** George Nehme

24 May 2016

Dear Sir

**Integrated Development for 1//1172051 1 & 2//249818 155 Governor Macquarie Drive Warwick Farm and Governor Macquarie Drive Chipping Norton NSW 2170**

I refer to your letter dated 11 January 2016 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

**Asset Protection Zones**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

1. At the commencement of building works, and in perpetuity, the entire property, except for the 40 metre buffer to the river, shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

**Water and Utilities**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

2. The provision of water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

## **Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

4. The property access roads shall comply with the following requirements of section 4.1.3 (2) of Planning for Bush Fire Protection 2006 including as follows:
  - A minimum carriageway width of 4 metres;
  - A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches;
  - A turning circle with a minimum 12 metre outer radius;
  - Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress;
  - The minimum distance between the inner and outer curves is 6 metres;
  - The crossfall does not to exceed 10 degrees; and, Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

## **Evacuation and Emergency Management**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

5. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency/evacuation plan consistent with the NSW Rural Fire Service document titled 'Guidelines for the Preparation of Emergency/Evacuation plan'.

## **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

6. The proposed Manangers residence shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

7. The proposed Hotel/ Office building shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

8. All new fencing shall be non-combustible.

**Landscaping**

9. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Craig Casey on 1300 NSW RFS.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'J.M.L.', is positioned above the typed name.

Jason Maslen

**Team Leader Development Assessment and Planning**

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.