

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at Francis Greenway Centre Liverpool on Wednesday 15 June 2016 at 11.50 am

Panel Members: Paul Mitchell (Acting Chair), Bruce McDonald, Stuart McDonald,
Cllr Sabrina Mamone, Cllr Peter Ristevski

Apologies: Mary-Lynne Taylor Declarations of Interest: None

Determination and Statement of Reasons

2015SYW219 – Liverpool – DA1211/2015 [155 Governor Macquarie Drive Warwick Farm] as described in Schedule 1.

Date of determination: 15 June 2016

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The Panel unanimously approves the application for the following reasons:

1. The proposed development will provide a significant regional commercial and multi-purpose facility and associated employment within the City of Liverpool consistent with its role as a Regional City Centre, in a location traditionally associated with the horse racing industry.
2. The proposed development adequately satisfies the relevant State legislation and State Environmental Planning Policies including Contaminated Land Managed Act 1997, the Water Management Act 2000, SEPP 55-Remediation of Land and Greater Metropolitan REP No.2 – Georges River Catchment.
3. The proposal adequately satisfies the provisions and objectives of Liverpool LEP 2008 and Liverpool DCP 2008.
4. The proposed development is consistent in scale and form and pattern of development anticipated within the Warwick Farm Raceway Precinct.
5. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the operation of the local drainage system and water quality, the operation of the local road system, the amenity of nearby residential premises or the heritage significance of the Warwick Farm Racecourse.
6. In consideration of conclusions 1 to 5 above the Panel considers the proposal is a suitable use of the site and approval of the proposal is in the interest of the public.

Conditions:

The Panel unanimously approved the application, subject to the conditions in the Assessment Report and as amended below:

- Conditions 8, 18, 21, 76, 97, 112, 113 and 123 deleted.
- Condition 19 – amended to read (now Condition 17):
It is required 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.

- Condition 25 – amended to read (now Condition 22):

Road Safety Audit for Slip Lane

A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed left-turn slip lane 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.

- Condition 31 – amended to read (now Condition 28):

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, excluding the temporary bin pick up locations for the stabling precinct. 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.

- Condition 40 – amended to read (now Condition 37):

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.

- Condition 45 – amended to read (now Condition 42):

The level of the car parking and garage other than the hotel basement shall be no less than the 5% AEP flood.

- Condition 74 – amended to read (now Condition 71):

Construction work/civil work/demolition work, other than internal fitout 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 4:00pm on Saturday. No work is permitted on Sundays or Public Holidays;

- Condition 166 – amended to read (now Condition 158):

Hotel/Multi-Purpose Arena

24 Hours a day

Two Weeks Prior to Sales Days and Sales Days in Horse Stabling Precinct

6:30am to 10:00pm

General Office/Administration

24 Hours a day

- Condition 167 –amended to read (now Condition 159):
Delivery and service vehicles generated by the development are limited to:

Two Weeks Prior to Sales Days and Sales Days in Horse Stabling Precinct

24 Hours a day

General Hotel/Office Administration

6:30am to 10:00pm Monday to Friday

- Condition 170 – amended to read (now Condition 162):
The use of the premises including but not limited to music, patron noise 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.

- Condition 171 – amended to read (now Condition 163):
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 AS2670.
 - (b) Sound pressure levels exceeding the criteria set out in the NSW Industrial Noise Policy, as derived for the site in the Planning Phase Acoustic Report Rp 003 r02 2015408SY.
 - (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.

- Condition 181 B – amended to read (now Condition 173(b)):
Be consistent with guidelines and standards relating to principles of environmental auditing including but not limited to *ISO 19011:2011 – Guidelines for Auditing Management Systems / AS/NZS ISO 19011:2014*
Guidelines for auditing management systems;
- Condition 182 – amended to read (now Condition 174):
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 after the 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:

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- (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.

- Condition 183 – amended to read (now Condition 175):
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 after the 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.

- Condition 196 – amended to read (now Condition 188):
Auction sales are permitted at the subject premises between 10am - 9pm. Auction sales may be conducted on a maximum number of 50 days per annum, this includes a mix of major and minor sales but does not include horse inspection days when no selling is being conducted.
- Condition 197 – amended to read (now Condition 189):
The maximum number of horses at the premises is limited to 888 at any one time. If a broodmare has a foal at foot the broodmare and the foal shall be counted as one horse for the purpose for this condition

Panel members:

		
Paul Mitchell (Acting Chair)	Bruce McDonald	Stuart McDonald
		
Cllr Sabrina Mamone	Cllr Peter Ristevski	

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SCHEDULE 1	
1	JRPP Reference – LGA – Council Reference: 2015SYW219 – Liverpool – DA1211/2015
2	Proposed development: Construction of a Warwick Farm Selling Centre, comprising of a multi-purpose selling arena, parade ring and hotel/office building with 145 hotel rooms, dining area and associated basement parking. Construction of a stabling precinct comprising of 12 open sided horse stabling buildings to accommodate 888 horse stalls. Construction of a truck parking area, storage and maintenance precinct and managers residence.
3	Street address: 155 Governor Macquarie Drive Warwick Farm
4	Applicant / Owner: William Inglis & Son Limited
5	Type of Regional development: Capital Investment Value >\$20 million
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Contaminated Land Management Act 1997 ○ Water Management Act 2000 ○ State Environmental Planning Policy No.55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment ○ Liverpool Local Environmental Plan 2008 • Draft environmental planning instruments: None • Development control plans: <ul style="list-style-type: none"> ○ Liverpool Development Control Plan 2008 • Planning agreements: <ul style="list-style-type: none"> ○ Inglis, Coopers Paddock, Warwick Farm; Ref 65 35 4369 JRT • Regulations: <ul style="list-style-type: none"> ○ Consideration of the provisions of the building Code of Australia • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and EPA Regulation. • The public interest, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council Assessment Report Dated 6 June 2016 Written submissions during public exhibition: 1 Verbal submissions at the panel meeting: Support- XX; Against- XX; On behalf of the applicant- Mark Webster, Steven Layman
8	Meetings and site inspections by the panel: Site Inspection & Briefing Meeting: 15 June 2016
9	Council recommendation: Approval
10	Draft conditions: as per Assessment Report